

DEPARTMENT OF PLANNING
STAFF REPORT

PLANNING COMMISSION PUBLIC HEARING

DATE OF HEARING: December 1, 2010

ZMOD-2010-0002; Webb Buffer Easement

DECISION DEADLINE: December 21, 2010

ELECTION DISTRICT: Dulles **PROJECT PLANNER:** Evan Harlow

EXECUTIVE SUMMARY

Dennis and Jamie Webb of Broadlands, Virginia have submitted an application to modify the concept development plan approved with ZMAP-1995-0003 and ZCPA-1994-0005, Broadlands and Broadlands South, in order to reduce the width of the buffer yard illustrated on Sheet 2 of the concept development plan from 50 feet to 6 feet to permit the installation of an in-ground pool, pool deck, retaining wall, and fence with no resulting change in density, in the PD-H3 (Planned Development-Housing) zoning district. This application is subject to the Revised 1993 Zoning Ordinance and the modification of zoning regulations applicable to the approved concept development plan is authorized under Section 6-1511(B)(4). The property is approximately .24 acres in size and is located south of Truro Parish Drive (Route 2119), on the west side of Glebe View Drive (Route 2348), at 21457 Glebe View Drive in the Dulles Election District. The area is governed by the policies of the Revised General Plan (Suburban Policy Area (Ashburn Community)) and the Dulles North Area Management Plan, which designate this area for residential development with recommended densities up to 4 dwelling units per acre.

RECOMMENDATIONS

Staff cannot support the application on the basis that the proposal has not provided justification as to how the encroachment into the buffer yard achieves an innovative design, improves upon the existing regulations, or exceeds the public purpose of the existing regulation. In order to improve upon the existing buffer regulations or exceed the public purpose, it would be appropriate to plant additional trees within the undisturbed portions of the buffer yard to mitigate potential visual, noise, and lighting impacts to adjacent Lots 5, 7, and 33. Conversely, the area of the buffer yard

remaining after the installation of the pool, pool deck, and retaining wall is constrained' and may not be suitable for additional on-site plantings.

However, the Planning Commission may wish to consider approval of the modification on the basis that the 130' open space area encumbered by the storm water management easement and the existing evergreen plantings on adjacent Lot 33, mitigate the encroachment of the pool use and aid in meeting the intent of the buffer yard. In addition, the Applicant has agreed to replace the trees removed as part of the pool construction and will construct a four (4) foot fence around the perimeter of the property for buffering and screening from the adjacent properties to the north, south, and west.

It should also be noted that the construction material used and the uses proposed are compatible and complementary to the residential properties and uses found within the Broadlands Community. The compatibility of the residential accessory uses is in keeping with the Revised General Plan, Chapter 6 Suburban Land Use Pattern and Design policies.

SUGGESTED MOTIONS

1. I move that the Planning Commission forward ZMOD-2010-0002, Webb Buffer to the Board of Supervisors with a recommendation of denial.

Or

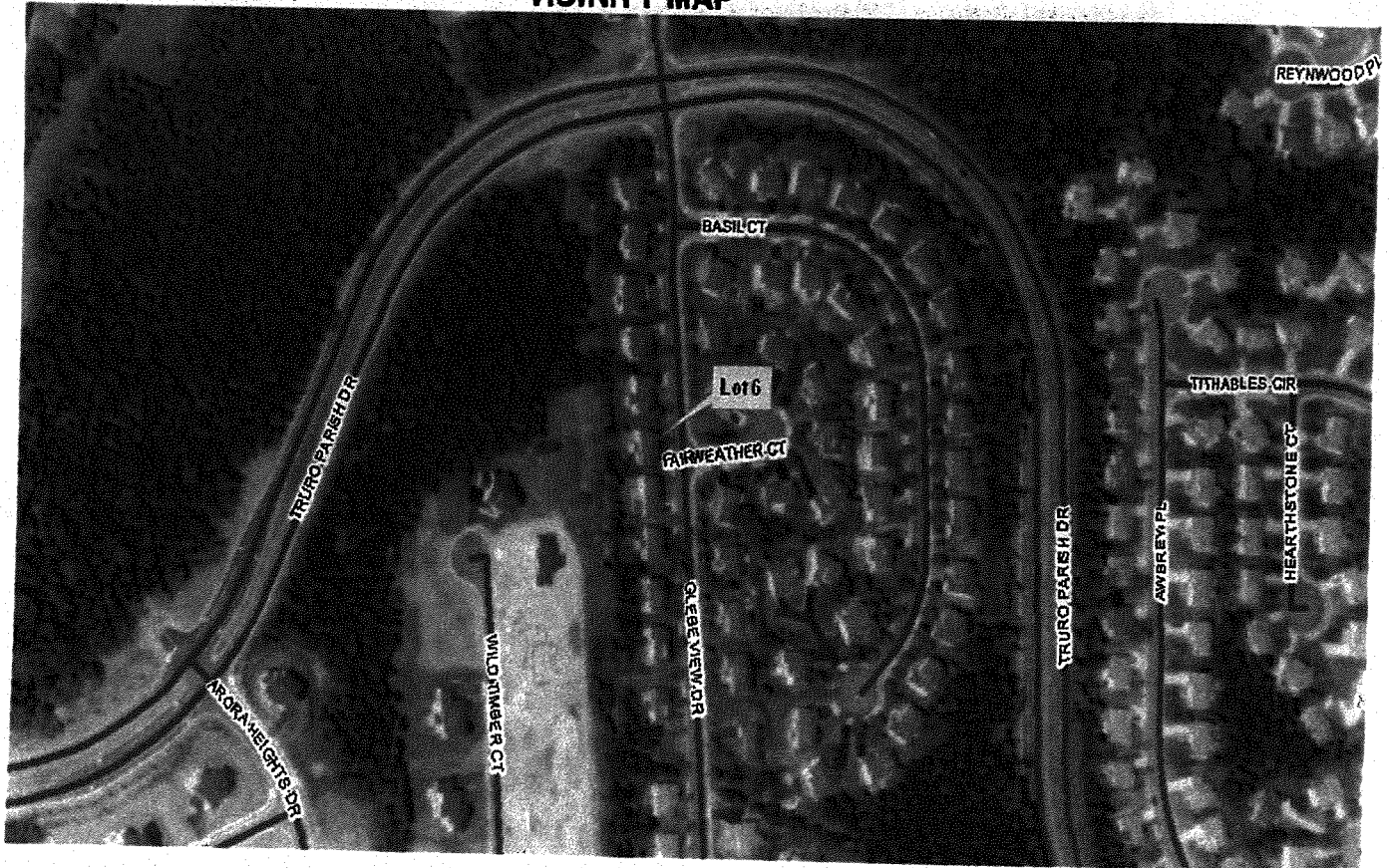
2. I move that the Planning Commission forward ZMOD-2010-0002; Webb Buffer to an appropriate committee for further discussion. **[Staff notes that the application has been advertised for the December 13, 2010 Board public hearing.]**

Or

3. I move that the Planning Commission forward ZMOD-2010-0002; Webb Buffer Easement, to the Board of Supervisors with a recommendation of approval, subject to the Conditions of Approval dated November 10, 2010 and with the following Finding(s) for Approval:

- 1) _____
- 2) _____
- 3) _____

VICINITY MAP



Directions:

From Leesburg, take Route 7 east, turn right onto Belmont Ridge Road (Route 659), left onto Truro Parish Drive (Route 2119), and right onto Glebe View Drive. 21457 Glebe View Drive is the sixth house on the right.

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I. APPLICATION INFORMATION

APPLICANT Dennis Edward and Jamie Anita Webb
21457 Glebe View Drive
Broadlands, VA 20148

REPRESENTATIVE Same

APPLICANT'S REQUEST Approval to modify the concept development plan approved with ZMAP-1995-0003 and ZCPA-1994-0005, Broadlands and Broadlands South, in order to reduce the width of the buffer yard illustrated on Sheet 2 of the concept development plan from 50 feet to 6 feet to permit the installation of an in-ground pool, pool deck, retaining wall, and fence. The application was accepted September 21, 2010.

LOCATION 21457 Glebe View Drive
Broadlands, VA 20148

TAX MAP/PARCEL Tax Map 78((50)) 6 MCPI# 155-27-4004

ZONING Planned Development- Housing (PD-H3)

ACREAGE OF REQUEST SITE 0.24 acres or 10,500 square feet

SURROUNDING LAND USES/ZONING

	<u>Zoning</u>	<u>Present Land Uses</u>
North	PD-H3	Residential (Broadlands-Section 20)
South	PD-H3	Residential (Broadlands-Section 20)
East	PD-H3	Residential (Broadlands-Section 20)
West	R-1	Residential (Broadlands-Section 21)

Topic/Issue Area	Issues Examined & Status
Comprehensive Plan	Consistency with the land use policies of the <u>Revised General Plan</u> (RGP) (Suburban Policy Area, Ashburn Community) and the Dulles North Area Management Plan (DNAMP) Status: No issue -The <u>Revised General Plan</u> identifies residential uses as appropriate in this location and finds the proposal to be compatible with the neighboring uses.
Zoning	<i>Section 6-1504 of the Loudoun County Zoning Ordinance states " ...No modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will <u>achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation.....</u>"</i> Status: Not Resolved The proposal currently does not provide for an innovative design, it does not improve upon the existing regulations, or exceed the public purpose of the existing regulations.

POLICY OR ORDINANCE SECTIONS SUBJECT TO APPLICATION
<u>Revised General Plan</u>
Chapter 6 / Suburban Community Boundaries Map
Chapter 6/ Land Use Pattern & Design, Policy 2
Chapter 7/ Planned Land Use Map
Revised Countywide Transportation Plan (2010 CTP)
2003 Bicycle and Pedestrian Mobility Master Plan (Bike/Ped Plan)
Dulles North Area Management Plan (DNAMP)
<u>Revised 1993 Zoning Ordinance</u>
Section 6-1504; Modifications
Section 6-1511(B)(4); Special Exception Change

III. CONCLUSIONS

1. The proposal does not provide for an innovative design, does not improve upon the existing regulations, or exceed the public purpose of the existing regulations as required for modifications pursuant to Section 6-1504 of the Revised 1993 Zoning Ordinance. The proposal does not present a new or different design, does not provide additional plantings on-site, and significantly reduces the width of the buffer yard.
2. The Revised General Plan identifies residential uses as appropriate in this location and finds the proposal compatible with the neighboring uses.
3. Allowing this encroachment would be consistent with Board decisions on similar requests to modify proffered buffer yards and setbacks.

4. The 130 foot eased area accompanied by evergreen plantings, the existing on-site trees, and the 4 foot fencing around the perimeter provides sufficient building area separation and landscape screening that adequately mitigates the pool encroachment from adjacent Lot 33.

IV. Conditions of Approval (November 10, 2010)

Should this application be considered, Staff recommends the following Condition. Staff notes that the applicant is in agreement with the condition.

1. Conformance The modification of the buffer yard shall be in substantial conformance with the Pool Plat dated November 8, 2010 and the Landscape Plan dated November 8, 2010 and the applicable Loudoun County Zoning Ordinance. The Approval of this application for Tax Map /78//50/////6/ (PIN #155-27-4004) (the "Property") shall not relieve the applicant or owners of the Property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.

V. PROJECT REVIEW

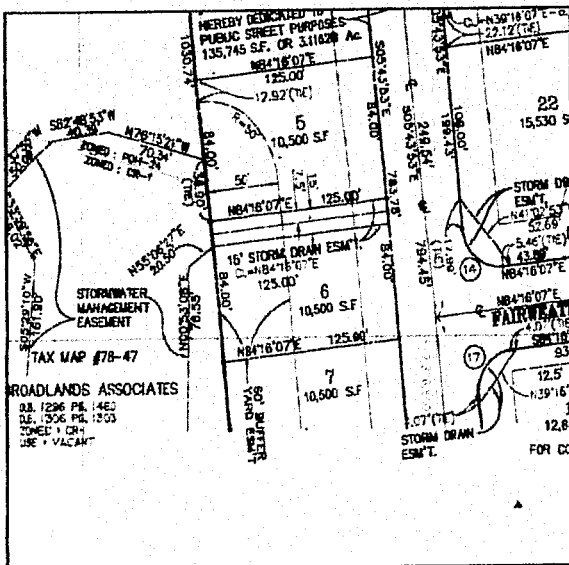
A. Context

Dennis and Jamie Webb of Broadlands, Virginia are seeking approval of a modification to an existing 50' Buffer Yard, situated within the rear of their property, for the installation of an in-ground pool, pool deck, retaining wall, and fence. The 50' Buffer Yard is illustrated on Sheet 2 of the proffered Concept Development Plan for ZMAP-1995-0003 and ZCPA-1994-0005 and is included as a modification within the "Statement of Modifications, Modification V". This application is subject to the Revised 1993 Zoning Ordinance and the modification of zoning regulations applicable to the approved concept development plan is authorized under Section 6-1511(B)(4). In addition, the 50' Buffer Yard was placed in a "Buffer Easement" with SBRD-1998-0037, requiring written approval by the Broadlands HOA and the County prior to any disturbance in the buffer area. The subject property is identified as Lot 6 within Section 20 of the Broadlands development and is zoned PD-H3 (Planned Development-Housing) under the Revised 1993 Zoning Ordinance.

At the time of submittal of ZMAP-1995-0003 and ZCPA-1994-0005, the adjacent property to the west of Section 20, identified today as Broadlands Section 21, was zoned CR-1 (Countryside/Residential), with a residential density of 1 unit per 40,000 square feet. Section 702.2.4 of the 1972 Zoning Ordinance required a 150' permanent open space area separating properties developing under the PD-H24 zoning district that were adjacent to the districts of a lower density. As part of the review and approval of ZMAP-1995-0003 and ZCPA-1994-0005, the Applicant requested a modification to Section 702.2.4 to reduce the required 150' permanent open space area to a 50' setback with buffer plantings along the boundaries of the Broadlands and Broadlands South development. As justification for the reduction, the Applicant proposed using existing vegetation, existing vegetation supplemented by landscape plantings, or in cases where there was no vegetation, new

landscaped plantings. The 50' buffer area with vegetative plantings was intended to provide a vegetative screen that would provide a more effective visual buffer than merely providing a 150' open space area with no plantings specifically required. The reduction was deemed to serve an equivalent purpose of the 150' open space area. The modification is included as Modification V. within the "Statement of Modifications," revised through May 25, 1995 along with the proffers and concept development plan for ZMAP-1995-0003 and ZCPA-1994-0005.

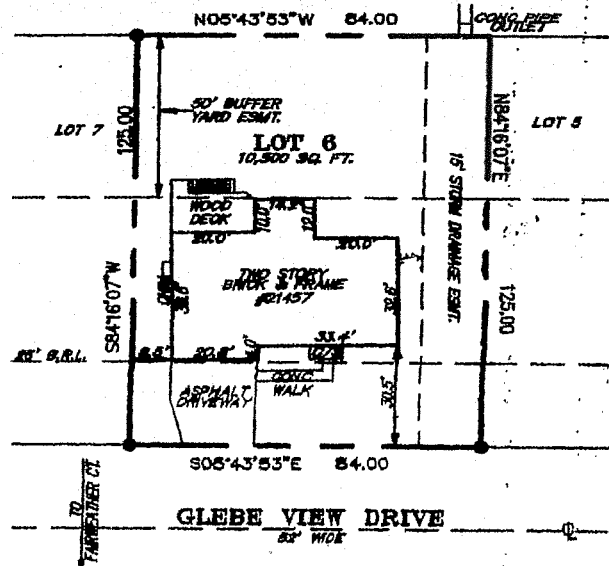
Upon approval of the ZMAP-1995-0003 and ZCPA-1994-0005, a Record Plat application, SBRD-1998-0037, was recorded for Broadlands-Section 20 for the platting of fifty-four (54) single family detached lots, ranging in size from 9,400 square feet to 21,000 square feet. With the approval of the Record Plat, the required fifty (50) foot Buffer yard was placed within a "Buffer Easement" along and within the rear property boundaries of Lots 5 through 10, adjacent to what is now Broadlands-Section 21.



The remainder of the lots within Section 20 (with the exception of Lot 39) do not contain the buffer yard easement and are subject to the regular yard lines approved with the Record Plat: 25' Front Yard, 12' Side Yard, 9' Side if habitable room has principle exposure to yard, otherwise 5' Side Yard, and a 12' Rear Yard. To preserve the tree plantings and minimize disturbance within the 50' Buffer yard, the Deed of Subdivision, Conveyance, Dedication, Easements, Release and Subordination recorded

restrictive language specific to the easement areas. Specifically, the language states, "...The Property within these easements shall not be denuded, defaced, or disturbed in any manner without the prior written approval of the County and the Association, except where required utility and storm water management installations...."

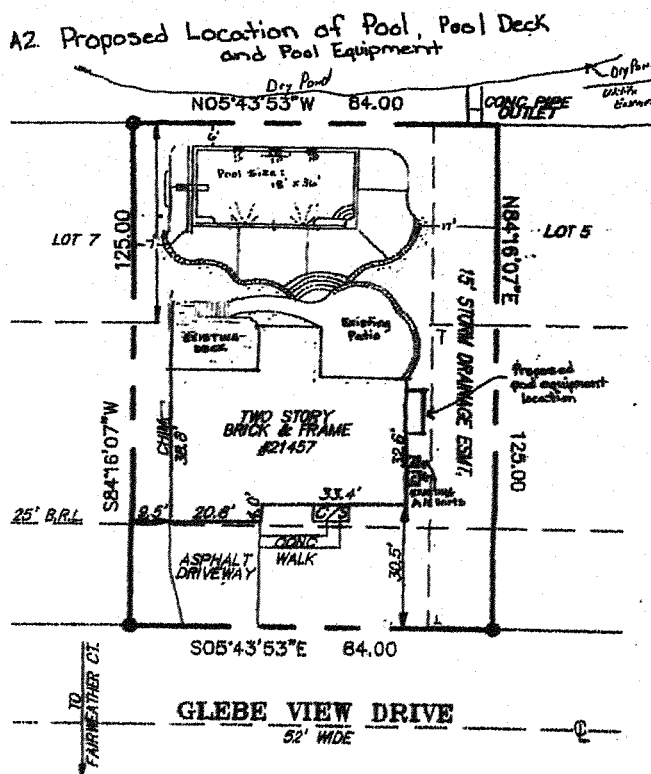
On July 2, 2010, Dennis and Jamie Webb submitted a request to the Broadlands Homeowners Association Modifications Subcommittee for the



erection of a fence around the perimeter of the property and for the installation of an in-ground pool and associated retaining wall. The request for the installation of the in-ground pool and fence was subsequently approved by the Broadlands Homeowners Association Modifications Subcommittee in a letter dated July 10, 2010 and further clarified in letters dated October 22, 2010 and October 29, 2010.

On July 27, 2010, Mr. Webb applied for County Building and Zoning permits for the installation of the in-ground pool and a 3' retaining wall. It should be noted that the zoning ordinance provides height requirements for residential fencing but does not require the owner to obtain building and/or zoning permits for the installation. During the review of the zoning permit, Mr. Webb was notified by Zoning Permit staff that the permits could not be issued until written approval by the County was obtained for the encroachment into the buffer easement.

On September 20, 2010, Mr. and Mrs. Webb submitted their request to the County to modify the 50' Buffer Yard. The buffer yard encompasses approximately 4,200 square feet of the lots 10,500 square feet, substantially covering the backyard. A portion of the home lies flush with the 50' Buffer Yard line. Prior to the Webb's purchasing Lot 6, a deck was constructed that encroaches approximately five (5) feet into the buffer yard. The request for encroachment into the buffer yard is for the installation of an 18'x36' or 648 square foot in-ground pool, a 3' retaining wall extending from the existing patio, and a four (4) foot wood fence around the perimeter of the property. The in-ground pool and associated pool deck will encroach forty-four (44) feet into the buffer yard and will lie six (6) feet from the western rear property boundary, seven (7) feet from the southern side property boundary, and seventeen (17) feet from the northern side property boundary.



The existing buffer yard contains a mix of sixteen (16) evergreen, ornamental, and canopy trees; six (6) along the southwest boundary, one (1) along the western boundary, and nine (9) along the northwest boundary. Four of the trees adjacent to the southern boundary will be removed with the pool installation and replanted with evergreen trees in the general location of the removed trees.

Lot 6 is bordered to the north by Lot 5 and to the south by

Lot 7. Both Lots 5 and 7 are encumbered by a 50' Buffer Yard Easement within the rear of their property. Lots 5 and 7 contain single family detached homes with accessory decks similar to Lot 6. The buffer yards on the adjacent parcels are planted with a mix of canopy, ornamental, and evergreen trees.

Lot 6's western rear property boundary abuts Lot 33 and Open Space Parcel A within Broadlands Section 21. Section 21 contains forty-two (42) R-1 (Residential) single family detached cluster lots with a minimum lot area of 32,000 square feet. Open Space Parcel A is 2.4624 acres and is subject to a permanent open space easement dedicated to the County. The portion of Parcel A proximate to Lot 6 contains areas of moderately steep slopes, tree conservation areas, and a storm water management dry pond. Due to the existence of these features immediately adjacent to Lot 6, it is not anticipated that this portion of the open space parcel will be built upon for uses and/or structures permitted within open space.

Lot 33 is 43,331 square feet in size and contains a large dry pond previously constructed for the retention of stormwater runoff from adjacent Section 20 of Broadlands. A stormwater management easement exists around the limits of the dry pond. The stormwater management easement language limits disturbance within the easement area and fundamentally acts as a no-build buffer of approximately 130' between the rear property line of Lot 6, extending west into Lot 33. In addition to the stormwater management easement, a 50' Buffer Yard, planted with nine (9) evergreen trees, is provided along the eastern boundary of Lot 33, adjacent to Lot 6. A majority of the 50' Buffer Yard lies within the existing stormwater management easement. The closet portion of the home on Lot 33 lies approximately 180' feet from the rear property boundary of Lot 6.

Lot 33 House Proximity to Lot 6



B. Summary of Outstanding Issues

A revised Statement of Justification was received on October 29th, 2010. Mr. Webb did not respond specifically to Zoning Administration's comments regarding the justification as to how the encroachment achieves an innovative design, exceeds the public purpose, or improves upon the existing regulations. However, Mr. Webb did provide further justification as to why he believes the encroachment is a compatible use to the existing environment and is adequately buffered from adjacent Lot 33.

The Outstanding issue continues to be: Justification as to how the encroachment into the buffer yard for the installation of a pool, retaining wall, and fence achieves an innovative design, improves upon the existing regulations, or exceeds the public purpose of the existing regulation. At this time, staff cannot support the modification.

While not an issue, it should be noted that in order for the encroachment into the buffer yard to occur, the Applicant must first obtain approval of this zoning modification by the Board of Supervisors and secondly after approval by the Board, obtain a letter from the Zoning Administrator permitting the accessory uses/structures within the Buffer Yard Easement. As noted in the Deed of Subdivision, Homeowners Association and County approval are required for disturbance in the buffer yard easement. The Applicant has obtained approval from the Broadlands Homeowner's Association for the installation of the pool, retaining wall and fence.

C. Overall Analysis

Comprehensive Plan

The subject site is governed under the policies outlined in the Revised General Plan. The property is located within the Ashburn Community of the Suburban Policy Area and is designated for Residential uses (Revised General Plan, Chapter 6, Suburban Community Boundaries Map, and Revised General Plan, Chapter 7, Planned Land Use Map).

A mix of uses is anticipated in the Suburban Policy Area, including residential uses. The Area will feature a range of residential lot sizes (Revised General Plan, Chapter 6, Land Use Pattern and Design Policy 2) with compatible and complementary land uses and project designs. The key consideration is compatibility with the surrounding uses. Design considerations include architectural cohesiveness, including building size, exterior cladding, and other features that may create visual impacts on the surrounding community.

Upon review of the submittal, the proposal appears to be compatible with the surrounding neighborhood. The buffer yard to be modified is located along the rear property line and is intended to protect the adjacent residential property. The residence on that property is located approximately 180 feet from the property line and contains a stormwater management pond, which provides a large open space area between the

residential uses. This open space area provides adequate protection from the proposed use. Further, the proposed pool and associated amenities will be screened by existing vegetation. The applicant is proposing to replace any vegetation that may be removed as part of the proposed construction.

The Revised General Plan identifies residential uses as appropriate in this location. The key consideration in this proposal is compatibility with the neighboring uses. The proposed amenities will be located an adequate distance from the adjacent properties and appropriate screening, via existing landscaping, is provided. The requested modification would be consistent with the Revised General Plan policies.

Zoning

The public purpose of the 150-foot permanent open space required with the *1972 Zoning Ordinance* is to provide a separation of buildable areas from the adjacent single-family residential district. The current residential districts of the *Revised 1993 Loudoun County Zoning Ordinance* require a minimum 50-foot permanent common open space buffer with a Category Type 2 Buffer adjacent to single-family residential district. Such common open space must be located off individual lots. Section 5-1401 of the *Revised 1993 Loudoun County Zoning Ordinance, Buffering and Screening*, states that the intent of buffering and screening is to mitigate the effects of uses on adjacent uses and to minimize the harmful impacts of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusion, and other objectionable activities or impacts conducted on or created by an adjoining or nearby use.

The *1972 Zoning Ordinance*, pursuant to which the original modification was granted to reduce the buffer easement, specified that no intensive recreation use is allowed within 75 feet of the district boundary. When the modification was originally granted, the Applicant offered the 50-foot vegetative screening and noted that the visual screening would consist of preserved existing vegetation, existing vegetation supplemented by landscape plantings or in cases where there is no existing vegetation, new landscape plantings. This was deemed to serve an equivalent public purpose, the standard required for a zoning modification approval pursuant to the *1972 Zoning Ordinance*.

Pursuant to Section 6-1504, Modifications to an approved Concept Development Plan may be approved as set forth in Section 6-1511 and no modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulations.

Zoning Administration Staff does not believe that the proposal provides for an innovative design, and it does not improve upon the existing regulations, or exceeds the public purpose of the existing regulations. At this time, Zoning Staff cannot support the modification request.

In the Statement of Justification, Mr. and Mrs. Webb note that without the necessary modification, they "will be wholly prevented from installing the in-ground pool, deck, and fence" therefore denying them the opportunity to best utilize the property for their enjoyment. It is also noted that the number of trees within the Applicant's property, in addition to the trees on the adjacent properties, will act as both visual and sound buffers to neighboring residences.

Problems similar to this have been identified in older planned developments in the County. In recognition of these occurrences, the County moved towards buffers located only on HOA property, not individual homeowner lots. To achieve this, the County approved ZOAM-1997-0004 that required buffer yards between new and existing residential developments to be set aside on separate open space parcels outside of the building lots.

However, prior to the approval of the ZOAM, many Concept Development Plans were approved showing buffer yards within individual building lots. On April 2, 2002, the Board of Supervisors approved a resolution to consider certain encroachments into proffered setbacks or buffers for accessory structures. Since the approval of the resolution by the Board, several Zoning Concept Plan Amendments have been reviewed and approved for encroachments into proffered setbacks and/or buffer yards. It should be noted that each request for setback or buffer yard modifications has been evaluated to determine the effect a reduction may have on adjacent properties and road networks. Consideration of this reduction for the encroachment of accessory structures into the buffer yard is consistent with current practice by the Board.

Staff has evaluated the request to modify the buffer yard against the regulations of Section 6-1504 of the Revised 1993 Zoning Ordinance:

Innovative Design

Decks, pools, and retaining walls are accessory structures typically found in residential neighborhoods. Section 5-200(B)(5) Revised 1993 Zoning Ordinance requires private swimming pools and retaining walls over two (2) feet in height to maintain a setback of 60' from the front property boundary, 5' feet from the side property boundary, and 5' from the rear property boundary. The location of the in-ground pool and retaining wall meet the Revised 1993 Loudoun County Zoning Ordinance accessory structure setback requirements.

As part of the Applicant's request, the retaining wall, fence, and pool layout were provided. The Statement of Justification notes that the material used and the layout will be compatible with the surrounding residential properties. Staff agrees that the material used and the use of the property for a pool, retaining wall, and fence is compatible and complementary to the surrounding residential properties. However, the project does not provide a new or different design beyond what is typically seen on residential lots. Section 6-1504 requires that the project illustrate how an innovative design has been achieved as a result of the modification. The Applicant has not provided justification as to how the

encroachment into the buffer yard for the installation of a pool, retaining wall, and fence achieves such a design.

Improve Existing Regulations or Exceed Public Purpose

Under the 1972 Zoning Ordinance, a 150-foot permanent open space area was required to provide a separation of buildable areas within the PD-H24 Zoning District from adjacent by-right single-family residential zoning districts. However, it was determined during the rezoning of the property, that a 50' buffer yard with vegetative plantings provided an equivalent amount of screening as the 150' separation. The 50' foot buffer with plantings met the public purpose of screening the uses in the PD-H24 Zoning District from the adjacent residential property.

Section 5-1401 of the Revised 1993 Zoning Ordinance, Buffering and Screening; states that, "the intent of buffering and screening is to mitigate the effects of uses on adjacent uses and to minimize the harmful impacts of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusion, and other objectionable activities or impacts conducted on or created by an adjoining or nearby use."

Mr. Webb contends that given the width of his backyard, Exhibit 3 attached along with the Statement of Modifications, Modification V. only required one tree every ten (10) feet. Given the 84' width of the rear property line, eight (8) trees would have been required. Staff cannot verify the validity of the required tree count since the number of required plantings in the buffer yard was based on linear gaps in existing vegetation at the time of development. However, the Construction Plans and Profiles for Section 20 illustrated eleven (11) tree plantings within the buffer yard on Lot 6; 4 evergreen, 6 ornamental, and 1 canopy. Since 11 trees were illustrated on the Construction Plans and Profiles, Staff can presume that 11 trees were required and subsequently planted. After purchasing Lot 6, Mr. Webb planted five (5) trees in addition to the plantings required in the buffer yard as modified with ZCPA-1994-0005 and ZMAP-1995-0003.

The 50' Buffer yard contains a mix of sixteen (16) evergreen, ornamental, and canopy trees; six (6) along the southwest boundary, one (1) along the western boundary, and nine (9) along the northwest boundary. The Webb's are now asking to reduce the buffer yard from 50 feet to 6 feet from the western property boundary. It is anticipated that four of the trees adjacent to the southern boundary will be removed with the pool installation and replanted with evergreen trees in the general location of the removed trees. The existing tree count will remain the same pre and post construction. In addition, a four (4) foot fence will be constructed around the perimeter of the property, aiding in screening the pool use from the adjacent properties to the north, south, and west.

An existing dry pond with an accompanying storm water management easement provides an additional buffer between the principle structure on lot 33 and the proposed pool location on lot 6. The easement extends approximately 130 feet into adjacent Lot 33. The language within the deed that created the storm water management easement limits disturbance within the easement area. Therefore, the easement essentially acts as 130'

- no-build buffer. In addition to the storm water management easement, a 50' Buffer Yard Easement, planted with 9 evergreen trees, is provided along the eastern boundary of Lot 33, adjacent to Lot 6. While the pool encroachment reduces the existing buffer on lot 6 from 50 feet to 6 feet from the rear property line, it should be noted that the closest portion of the home located on adjacent Lot 33 lies approximately 180 feet from the rear property boundary of Lot 6, thus providing a 186 foot separation between the uses in the neighboring Zoning Districts.

Even though the number of trees will remain the same and a 4 foot fence will be installed to provide additional buffering for the pool use, the proposal does not improve upon the existing buffer regulations or exceed the public purpose on-site. Staff recognizes that additional trees were planted by the Applicant above the required amount but notes that the intensity of the use and the scope of the encroachment should provide for additional tree plantings for mitigation to adjacent properties.

In order to improve upon the existing buffer regulations or exceed the public purpose, it would be appropriate to plant additional trees along the western property boundary of Lot 6, adjacent to Lot 33, since the original 50' Buffer yard was established to mitigate impacts to this property. However, after discussions with the County's Arborist, the 6 foot width between the pool deck and the western property boundary are not conducive to the planting of tree species. In order to allow adequate spacing for trees adjacent to the western property boundary, the pool location would have to shift east.

Though additional on-site tree plantings within the buffer yard would enhance the existing buffer, the 130 foot open space separation with existing evergreen plantings off-site, the existing on-site trees, and the 4 foot fencing around the perimeter, provides buffering and screening that aids in mitigating (light, noise, etc.) the pool use from adjacent Lot 33. Although a majority of this area is not specifically defined by the zoning ordinance as a buffer yard, the storm water management easement limits disturbance and provides a large open space separation between the adjacent building areas. The separation provided by the dry pond and the off-site plantings aid in meeting the purpose and intent of the Buffering and Screening, Section 5-1400 of the Revised 1993 Zoning Ordinance.

VI. ATTACHMENTS	PAGE NUMBER
1. Review Agency Comments	
a. Community Planning (10/21/10)	A-1
b. Zoning Administration (10/20/10)	A-3
2. Disclosure of Real Parties in Interest (dated 11/01/10)	A-9
3. Reaffirmation of Affidavit (dated 11/01/10)	A-16
4. Applicant's Statement of Justification	A-19
5. Pool Proposal	A-22
6. HOA letters dated 07/10/10, 10/22/10, & 10/29/10	A-37
7. Site Photos	A-40
8. Statement of Modifications, Modification V.	A-43
9. Approved Concept Development Plan-Sheet 2	A-49
10. Pool Plat dated 11/08/10 & Landscape Plan dated 11/08/10	Follows A-49

County of Loudoun
Department of Planning
MEMORANDUM

DATE: October 21, 2010

TO: Evan Harlow, Project Manager
Land Use Review

FROM: Kelly Williams, Planner III
Community Planning

SUBJECT: ZMOD 2010-0002, Webb Buffer Easement

EXECUTIVE SUMMARY

The proposed application requests a zoning modification to reduce a 50 foot buffer yard easement in order to allow the installation of an in-ground pool, deck, retaining wall and fence in the backyard of an existing residence. The property is located within the Suburban Policy Area and is currently zoned PDH-3, Planned Development-Residential.

The Revised General Plan identifies residential uses as appropriate in this location. The key consideration in this proposal is compatibility with the neighboring uses. The proposed amenities will be located an adequate distance from the adjacent properties and appropriate screening, via existing landscaping, is provided. Staff recommends approval of the proposed zoning modification.

BACKGROUND

The applicants, Dennis and Jamie Webb, are requesting a zoning modification to reduce a 50 foot buffer yard easement on their property. A 150 foot buffer was originally required for this lot and was reduced to 50 foot as part of a Zoning Modification at the time of the Broadlands rezoning. The applicants are requesting a reduction of the buffer to allow for the construction of a pool, deck and fencing in the backyard.

The property consists of a single family lot of approximately .25 acres located on the east site of Glebe View Drive in the Broadlands development. There are single family residential uses that border the north, east and south sides of the property.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The property is located in the Ashburn Community of the Suburban Policy Area and is specifically governed by the land use policies of the Revised General Plan. The

Revised Countywide Transportation Plan (CTP and the Bicycle and Pedestrian Mobility Master Plan (Bike/Ped Plan) also apply.

ANALYSIS

The subject site is governed under the policies outlined in the Revised General Plan. It is located within the Ashburn Community of the Suburban Policy Area and is designated for Residential uses (Revised General Plan, Chapter 6, Suburban Community Boundaries Map, and Revised General Plan, Chapter 7, Planned Land Use Map).

A mix of uses is anticipated in the Suburban Policy Area, including residential uses. The Area will feature a range of residential lot sizes (Revised General Plan, Chapter 6, Land Use Pattern and Design Policy 2) with compatible and complementary land uses and project designs. The key consideration is compatibility with the surrounding uses. Design considerations include architectural cohesiveness, including building size, exterior cladding, and other features that may create visual impacts on the surrounding community.

Upon review of the submittal, the proposal appears to be compatible with the surrounding neighborhood. The buffer yard to be modified is located along the rear property line and is intended to protect the adjacent residential property. The residence on that property is located approximately 180 feet from the property line and contains a stormwater management pond, which provides a large open space area between the residential uses. This open space area provides adequate protection from the proposed use. Further, the proposed pool and associated amenities will be screened by existing vegetation. The applicant is proposing to replace any vegetation that may be removed as part of the proposed construction.

RECOMMENDATION


The Revised General Plan identifies residential uses as appropriate in this location. The key consideration in this proposal is compatibility with the neighboring uses. The proposed amenities will be located an adequate distance from the adjacent properties and appropriate screening, via existing landscaping, is provided. Staff recommends approval of the proposed zoning modification.

cc: Julie Pastor, AICP, Planning Director
Cindy Keegan, AICP, Program Manager, Community Planning, via e-mail

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
MEMORANDUM

DATE: October 20, 2010

TO: Evan Harlow, Project Manager, Department of Planning

FROM: Val Thomas, Planner, Zoning Administration 

CASE NUMBER AND NAME: ZMOD 2010-0002; Webb Buffer Easement; First Referral

TAX MAP/PARCEL NUMBER: 78//50////6; 155-27-4004

I. APPLICATION SUMMARY:

Building and Development Staff has reviewed the above referenced **Zoning Modification** application for conformance with the applicable requirements of the Zoning Ordinance ("the Ordinance"). The application consists of: 1) House Location survey Lot 6 Section 20 Broadlands (Attachment D-1 & D-2); and 2) Concept Plan and Project Summary (Attachment section G, H, I and J).

The proposed site is located at 21457 Glebe View Drive, on the west side of Glebe View Drive, south of Truro Parish Drive, in the Planned Community of Broadlands. The property is zoned PD-H3 (Planned Development-Housing 3) under the Revised 1993 Loudoun County Zoning Ordinance.

This application proposes to amend the approved Concept Development Plan for Broadlands approved with ZMAP 1995-0003 and ZCPA 1994-0005 and revise the associated Zoning Modifications approved with these applications. The Applicant is requesting a revision of approved zoning modification V of Exhibit D, *Uses Adjacent to Single-Family or Agricultural Residential District (Section 702.2.1)*. This modification reduced the minimum required open space of 150 feet to a 50 foot buffer. With this application, the Applicant, Dennis Edward and Jamie Anita Webb, of Broadlands, VA, request a zoning modification to reduce the 50-foot buffer yard easement to allow the homeowner to install an in-ground pool, deck, retaining wall and fence in the backyard of an existing residence.

Based upon a review of the above proposed application, Zoning Staff offers the following comments:

II. CONFORMANCE WITH SECTION 6-1504, MODIFICATIONS:

The Board of Supervisors may grant modifications permitted pursuant to Section 6-1504. This section of the Ordinance states as follows:

***Modifications.** The regulations of the PD district sought shall apply after rezoning is approved unless the Board of Supervisors approves a modification to the zoning, subdivision or other requirements that would otherwise apply. No modifications shall be permitted which affect uses, density, or floor area of the district. Modifications to an approved Concept Development Plan may be approved as set forth in Section 6-1511. No modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulations. No modification will be granted for the primary purpose of achieving the maximum density on a site. An application for modification shall include materials demonstrating how the modification will be used in the design of the project.*

Zoning Ordinance Sections Proposed to be Modified

- 1. Modification of Uses Adjacent to Single-Family or Agricultural-Residential Districts, § 702.2.4 (1972 Zoning Ordinance),** *Where a PD-H districts adjoins a single-family residential or agricultural-residential district without intervening permanent open space at least 150 feet in width serving as a separation for buildable areas, the portion of the perimeter of the PD-H district so adjoining (150 feet) shall be planned and developed only for uses permitted in the adjoining residential district or for the residential district affording the next highest permitted density and in accord with all other requirements for such district, provided however that in lieu of development, common open space for the PD-H district to a depth of 150 feet from the district boundary may be permitted. No intensive recreation use shall be permitted within 75 feet of the district boundary in such circumstances.*

As noted earlier, a zoning modification (modification #V, Exhibit D) to reduce the minimum required 150 foot permanent open space to a 50-foot building setback for the areas where such open space is required was approved with the Broadlands applications ZMAP 1995-0003 and ZCPA 1994-0005. The 50-foot buffer consisting of existing vegetation, landscaping, or a combination of the two, is required to be implemented along the boundaries of Broadlands and Broadlands South. This buffer easement was dedicated and the Deed recorded with the subdivision record plat application approved for the property SBRD 1998-0037.

Proposed Modification – The Applicant is currently proposing to reduce this 50-foot buffer to allow for the construction of an in-ground pool, deck, retaining wall and fence on the property. The pool and deck is proposed to be approximately seven feet from the property line on one side and 17 feet from the property line on the other side, and six feet from the rear property line.

Applicant's Justification – The Applicant states that the required 50-foot easement substantially includes the entire backyard of their property, and as applied, would prevent any construction in the rear of the property. The Webbs noted that they seek to improve their property, and the enjoyment of their property, through the completion of the in-ground pool, deck and fence on their property, and that without this modification they will be denied the opportunity to best utilize their property for their enjoyment.

Staff Response – The public purpose of the 150-foot permanent open space required with the *1972 Zoning Ordinance* is to provide a separation of buildable areas from the adjacent single-family residential district. The current residential districts of the *Revised 1993 Loudoun County Zoning Ordinance* require a minimum 50-foot permanent common open space buffer with a Category Type 2 Buffer adjacent to single-family residential district. Such common open space must be located off individual lots. Section 5-1401 of the *Revised 1993 Loudoun County Zoning Ordinance, Buffering and Screening*, states that the intent of buffering and screening is to mitigate the effects of uses on adjacent uses and to minimize the harmful impacts of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusion, and other objectionable activities or impacts conducted on or created by an adjoining or nearby use.

The *1972 Zoning Ordinance*, pursuant to which the original modification was granted to reduce the buffer easement, specified that no intensive recreation use is allowed within 75 feet of the district boundary. When the modification was originally granted, the Applicant offered the 50-foot vegetative screening and noted that the visual screening would consist of preserved existing vegetation, existing vegetation supplemented by landscape plantings or in cases where there is no existing vegetation, new landscape plantings (see approved Exhibit 3 attached). This was deemed to serve an equivalent public purpose, the standard required for a zoning modification approval pursuant to the *1972 Zoning Ordinance*.

Pursuant to Section 6-1504, Modifications to an approved Concept Development Plan may be approved as set forth in Section 6-1511 and no modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulations [Emphasis Added].

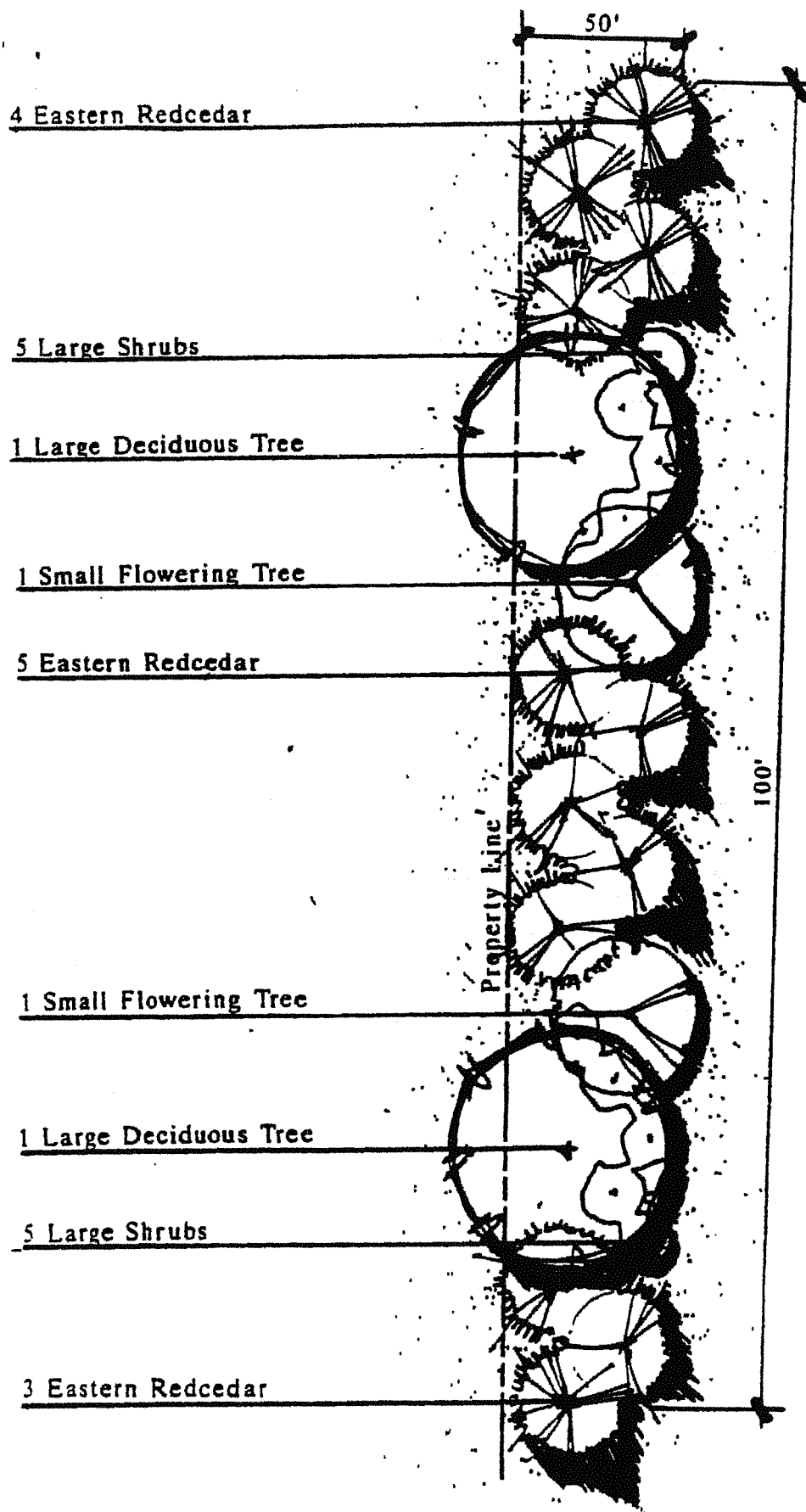
Staff is concerned that the 50-foot buffer easement is located on the rear property of the lot, and realizes that this reduces the ability of the Webb to utilize their back yard. But Staff does not believe that the proposal provides for an innovative design, and it does not improve upon the existing regulations, or exceeds the public purpose of the existing regulations. Staff cannot support the modification request.

III. PROFFER STATEMENT:

1. The Applicant has not provided any proffers to date. If the proffers approved with ZMAP 1995-0003 and ZCPA 1994-0005 are proposed to be revised, then they must be submitted as part of the Applicant's response to the first written review of the issues.
2. If proffers are submitted, Staff recommends that, for the purpose of future interpretation, administration and enforcement, each proffer should be written to specifically and clearly communicate: 1) the intent of the proffer; 2) who is responsible for fulfilling the proffer; 3) what is being proffered; 4) where the proffer applies; and 5) when the proffer is to be initiated and completed.
3. Staff asks the Applicant to clarify any new proffers, deletion or revision of existing proffers etc.

IV. OTHERS:

1. The Deed of Dedication, Easement, and Subdivision approved with SBRD 1998-0037 includes the easement language ".....The property within these easements shall not be denuded, defaced, or disturbed in any manner without the prior written approval of the County and the Association.....". Staff recommends that a motion to the Board of Supervisors to remove/revise this easement language is included in the staff report for the application.



Broadlands / Broadlands South

Exhibit #
Figure 1
A-7

TABLE 1 - LANDSCAPE REQUIREMENTS

Gaps in excess of 15' and less than 50' will require:

1 Eastern redcedar tree per 10' of gap distance.

Gaps equal or greater than 50' and less than 100' will require:

1 Eastern redcedar tree per 10' of gap distance,

1 large deciduous tree,

1 small flowering tree, and

5 large shrubs.

Gaps equal to or greater than 100' will be landscaped in accordance to Figure 1, which will be repeated in sequence across the breadth of the gap.

TABLE 2 - PLANT SCHEDULE

Common Name	Botanical Name	Size
<u>Native Eastern Trees:</u>		
Eastern Redcedar	Juniperus virginiana	6'-0" ht.
(Note: Redcedars to be transplanted as native stock growing on or near the property)		
<u>Large Deciduous Trees:</u>		
Red Maple	Acer rubrum	2-1/2" cal.
Green Ash	Fraxinus pennsylvanica	2-1/2" cal.
Willow Oak	Quercus phellos	2-1/2" cal.
<u>Small Flowering Trees:</u>		
Allegheny Serviceberry	Amelanchier laevis	6'-0" ht.
Eastern Redbud	Cercis canadensis	6'-0" ht.
Flowering Dogwood	Cornus florida	6'-0" ht.
<u>Large Shrubs:</u>		
Black Chokeberry	Aronia melancarpa	3'-0" ht/spr.
Redosier Dogwood	Cornus sericas	3'-0" ht/spr.
Common Witchazel	Hamamelis virginiana	3'-0" ht/spr.
Mountain Laurel	Kalmis latifolia	3'-0" ht/spr.
Arrowwood Viburnum	Viburnum dentatum	3'-0" ht/spr.

LOUDOUN COUNTY
DISCLOSURES OF REAL PARTIES IN INTEREST
AND LAND USE PROCEEDINGS

A. INTRODUCTION

Under the mandatory provisions of Va. Code Ann. § 15.2-2287.1, each member of the Board of Supervisors, Planning Commission, and the Board of Zoning Appeals must make a full public disclosure of any business or financial relationship (including gifts or donations received as described in this Affidavit) that the member has or has had with the applicant, title owner, contract purchaser, or lessee of the land or their agent within twelve months prior to a hearing. This Code Section is specifically applicable only to Loudoun County.

In addition, pursuant to Va. Code Ann. § 15.2-2289, the Board of Supervisors for Loudoun County had previously adopted an ordinance requiring the submission of a completed Disclosure of Real Parties in Interest Form. See 1993 Revised Zoning Ordinance, Section 6-403(A).

The Loudoun County Board of Supervisors has directed County Staff to prepare land use affidavit forms to be used with rezoning, special exception, and variance applications, and reaffirmation procedures for affidavits. **The "Affidavit" and "Reaffirmation of Affidavit" forms shall not be altered or modified in any way. Any form that is altered or modified in any way will not be accepted.**

With the submission of any such zoning application, you are required to submit an Affidavit. Prior to a public hearing, you will be required to reaffirm your Affidavit in accordance with the reaffirmation procedures.

B. INSTRUCTIONS

1. Fill out the Affidavit and file with Application.
2. All listings which include PARTNERSHIPS, CORPORATIONS, or TRUSTS, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing is a corporation having more than 100 shareholders that has no shareholder owning 10% or more of any class of stock. In the case of an Applicant, title owner, contract purchaser, or lessee of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all its partners (general and limited), of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the applicant, title owner, contract purchaser, or lessee of the land.
3. **Limited liability companies and real estate investment trusts and their equivalents are treated as corporations**, with members being deemed the equivalent of shareholders; managing members shall also be listed.

4. Prior to each and every public hearing on a Zoning Map Amendment, Zoning Concept Plan Amendment, Zoning Ordinance Modification, Special Exception, or Variance, and prior to Board action, the Applicant shall review the affidavit and provide any changed or supplemental information including business or financial relationships of the type described above, that arise on or after the date of this application. A "Reaffirmation of Affidavit" form is available for your use online at: www.loudoun.gov/pc. Click on the link "Reaffirmation Procedure for Affidavits" under "Information for Applicants".
5. As used in these forms "real parties in interest" shall include all sole or joint property owners, parties who have legal interest in the protection of the property such as a trustee or executor, parties who have an equitable or beneficial interest in the property, such as beneficiaries of a trust, and, in the case of corporations, all stockholders, officers, and directors. Pursuant to Va. Code Ann. § 15.2-2289, the requirement of listing names of stockholders, officers, and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders.
6. In the case of a condominium, the requirements shall apply only to the title owner, contract purchaser, or lessee if they own 10% or more of the units in the condominium.

I, Dennis Edward Webb, do hereby state that I am an

☒ Applicant

☐ Applicant's Authorized Agent listed in Section C.1. below

in Application Number(s): 2M00 2010-0002

and that to the best of my knowledge and belief, the following information is true:

C. DISCLOSURES: REAL PARTIES IN INTEREST AND LAND USE PROCEEDINGS

1. REAL PARTIES IN INTEREST

The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS and LESSEES** of the land described in the application* and if any of the foregoing is a **TRUSTEE**** each **BENEFICIARY** of such trust, and all **ATTORNEYS**, and **REAL ESTATE BROKERS**, and all AGENTS of any of the foregoing.

All relationships to the persons or entities listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together (ex. Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc.) For a multiple parcel application, list the Parcel Identification Number (PIN) of the parcel(s) for each owner(s).

PIN	NAME (First, M.I., Last)	ADDRESS (Street, City, State, Zip Code)	RELATIONSHIP (Listed in bold above)
155274004000	Dennis E. Webb	21457 Glebe View Drive	Owner
	Jamie A Webb	Broadlands VA 20148	Owner

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

☐ There are additional Real Parties in Interest. See Attachment to Paragraph C-1.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above) *N/A*

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Description of Corporation:

_____ *There are 100 or fewer shareholders and all shareholders are listed below.*

_____ *There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.*

_____ *There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

_____ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of Shareholders:

SHAREHOLDER NAME <i>(First, M.I., Last)</i>	SHAREHOLDER NAME <i>(First, M.I., Last)</i>

Names of Officers and Directors:

NAME <i>(First, M.I., Last)</i>	Title <i>(e.g. President, Treasurer)</i>

Check if applicable:

_____ *There is additional Corporation Information. See Attachment to Paragraph C-2.*

3. **PARTNERSHIP INFORMATION** *N/A*

The following constitutes a listing of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in the affidavit.

Partnership name and address: (complete name, street address, city, state, zip)

_____ (check if applicable) The above-listed partnership has no limited partners.

Names and titles of the Partners:

<i>NAME</i> <i>(First, M.I., Last)</i>	<i>Title</i> <i>(e.g. General Partner, Limited Partner, etc)</i>

Check if applicable:

_____ Additional Partnership information attached. See Attachment to Paragraph C-3.

4. ADDITIONAL INFORMATION

- a. One of the following options **must** be checked:

☐ In addition to the names listed in paragraphs C. 1, 2, and 3 above, the following is a listing of any and all other individuals who own in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

☒ Other than the names listed in C. 1, 2 and 3 above, no individual owns in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

Check if applicable:

☐ Additional information attached. See Attachment to Paragraph C-4(a).

- b. That no member of the Loudoun County Board of Supervisors, Planning Commission, Board of Zoning Appeals or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land, or as beneficiary of a trust owning such land.

EXCEPT AS FOLLOWS: (If none, so state).

NONE

Check if applicable:

☐ Additional information attached. See Attachment to Paragraph C-4(b).

- c. That within the twelve-month period prior to the public hearing for this application, no member of the Loudoun County Board of Supervisors, Board of Zoning Appeals, or Planning Commission or any member of his immediate household, either individually, or by way of partnership in which any of them is a partner, employee, agent or attorney, or through a partner of any of them, or through a corporation (as defined in the Instructions at Paragraph B.3) in which any of them is an officer, director, employee, agent or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has or has had any business or financial relationship (other than any ordinary customer or depositor relationship with a retail establishment, public utility, or bank), including receipt of any gift or donation having a value of \$100 or more, singularly or in the aggregate, with or from any of those persons or entities listed above.

EXCEPT AS FOLLOWS: (If none, so state).

NONE

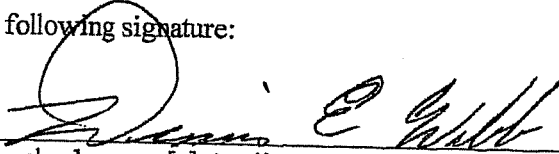
Check if applicable:

☐ Additional information attached. See Attachment to Paragraph C-4(c).

D. COMPLETENESS

That the information contained in this affidavit is complete, that all partnerships, corporations (as defined in Instructions, Paragraph B.3), and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, OR LESSEE of the land have been listed and broken down, and that prior to each hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including any gifts or business or financial relationships of the type described in Section C above, that arise or occur on or after the date of this Application.

WITNESS the following signature:

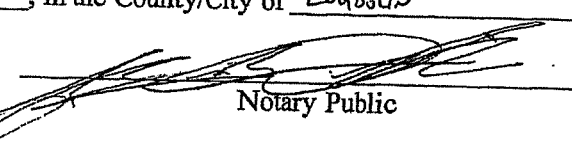


check one: ☒ Applicant or ☐ Applicant's Authorized Agent

Dennis E Webb

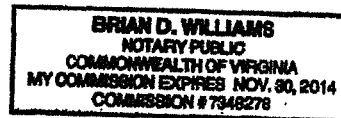
(Type or print first name, middle initial and last name and title of signee)

Subscribed and sworn before me this 1ST day of NOVEMBER, 2010, in the State/Commonwealth of VIRGINIA, in the County/City of LOUDOUN.


Notary Public

My Commission Expires: NOV 30, 2014

Notary Registration Number: 7348278



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**LOUDOUN COUNTY
REAFFIRMATION PROCEDURE FOR AFFIDAVITS**

A. BEFORE THE PLANNING COMMISSION HEARING

1. On or before the close of business **twenty-two (22) business days prior to the public hearing** before the Planning Commission, the Applicant or the Applicant's Authorized Agent, which agent must be listed in Section C of the Applicant's Affidavit, *shall* either:
 - a. Reaffirm the approved Affidavit for the Application by submitting the reaffirmation of the approved affidavit to the Project Manager on an approved **REAFFIRMATION OF AFFIDAVIT** form provided by Loudoun County (Attachment I); or
 - b. Submit a new affidavit on an approved affidavit form provided by Loudoun County to the Project Manager in the Planning Department. A **REAFFIRMATION OF AFFIDAVIT** form provided by Loudoun County *shall* be attached to the new affidavit, identifying the paragraphs where such revisions or supplemental information are provided on the new affidavit.
2. If, subsequent to the timely submission of the Reaffirmation Form or new Affidavit, the Applicant's Affidavit must be revised or supplemented prior to the scheduled Planning Commission hearing, a new affidavit on an approved affidavit form must be submitted to the Project Manager on or before the close of business **seven (7) business days prior to the scheduled Planning Commission hearing**. Failure to submit the revised affidavit on or before the close of business **seven (7) business days prior to the scheduled Planning Commission hearing** is cause for removal of the Application from the Planning Commission schedule to the next available Planning Commission hearing date. Such deferral may adversely affect any scheduled hearing before the Board of Supervisors hearing. If such deferral is necessary, the Applicant shall be responsible for any required renotification of applicable property owners.
3. Compliance with the seven-day filing deadline for revised affidavit is mandatory for all Applicants required to submit affidavits. This requirement may be waived by a vote of the Planning Commission at the scheduled hearing only if there are legitimate reasons for submitting the revised affidavit to the Project Manager after the required seven-day deadline.
4. At each and every hearing on the Application before the Planning Commission, the Applicant or the Applicant's Authorized Agent, who must be listed in Section C of the Applicant's Affidavit, shall be required to make an oral statement that the reaffirmed affidavit or the new affidavit is correct and accurate as of the date of the hearing.
5. If the Applicant's hearing before the Planning Commission is deferred to a date that is more than **eight (8) weeks** subsequent to the scheduled hearing date, the reaffirmation procedure describe in Paragraph A-1 above shall be followed again.

B. BEFORE THE BOARD OF SUPERVISORS HEARING

1. If prior to the public hearing before the Board of Supervisors, the Applicant's approved affidavit which was reaffirmed at the hearing before the Planning Commission must be changed, deleted or supplemented in any way, a new affidavit on an affidavit form provided by Loudoun County must be submitted to the Project Manager before the close of business at least **seven (7) business days prior to the scheduled hearing date**. Failure to submit a new affidavit by the deadline will result in the removal of the Application from the scheduled public hearing before the Board of Supervisors, unless the Board waives the seven-day deadline on its own motion.

Note: The failure to timely update the disclosure of financial relationships in an affidavit to accurately reflect the disclosure of financial relationships within the 12 months immediately preceding the

Revised October 2008

Board's hearing may result in omissions or an incorrect, over inclusive, affidavit and will result in removal of the Application from the scheduled public hearing before the Board of Supervisors, unless the Board waives the seven-day deadline on its own motion.

2. Except in instances when a new affidavit is submitted in accordance with Paragraph B-1 above and such submission is made less than 14 days immediately preceding any hearing before the Board of Supervisors, the Applicant shall submit to the Project Manager a new Reaffirmation of Affidavit form before the close of business at least **seven (7) but no more than fourteen (14) business days prior to the scheduled hearing date**. Failure to submit a new affidavit or a reaffirmation affidavit by these deadlines will result in removal of the Application from the scheduled public hearing before the Board of Supervisors, unless the Board waives these deadlines on its own motion.
3. If at the Board's hearing or at a point less than seven (7) business days prior to the Board's hearing, any changes are required or made to a new affidavit or to the reaffirmation affidavit, thereby resulting in the hearing being rescheduled, then the Applicant shall submit to the Project Manager a new affidavit on an affidavit form provided by Loudoun County before the close of business at least **seven (7) but no more than fourteen (14) business days prior to the rescheduled hearing date**. Failure to submit the new affidavit by these deadlines will result in removal of the Application from the rescheduled public hearing before the Board of Supervisors, unless the Board waives these deadlines on its own motion.
4. At each and every hearing on the Application before the Board of Supervisors, the Applicant or the Applicant's Authorized Agent, described in Paragraph A-1 above, shall be required to make an oral statement the reaffirmed affidavit or the new affidavit is correct and accurate as of the date of the hearing.

C. BEFORE THE BOARD OF ZONING APPEALS HEARING

1. If prior to the public hearing before the Board of Zoning Appeals, the Applicant's approved affidavit must be changed, deleted, or supplemented in any way, a new affidavit on an affidavit form provided by Loudoun County must be submitted to the Project Manager on or before the close of business **twenty-two (22) business days prior to the scheduled hearing date**. Failure to submit a new affidavit by the deadline will result in the removal of the Application from the scheduled public hearing before the Board of Zoning Appeals, unless the Board waives the twenty-two day deadline on its own motion.
2. At each and every hearing on the Application before the Board of Zoning Appeals, the Applicant or the Applicant's Authorized Agent, described in Paragraph A-1 above, shall be required to make an oral statement that the approved affidavit or the new affidavit is correct and accurate as of the date of the hearing.

Important! The adopted Affidavit and Reaffirmation of Affidavit forms shall not be altered or modified in any way. Any form that is altered or modified in any way will not be accepted.

REAFFIRMATION OF AFFIDAVIT

In reference to the Affidavit dated 11/1/2010
(enter date of affidavit)

For the Application ZMOD, with Number(s) 2010-0002
[enter Application name(s)] [enter Application number(s)]

I, DENNIS E Webb, do hereby state that I am an

(check one) ☒ Applicant (must be listed in Paragraph C of the above-described affidavit)
☐ Applicant's Authorized Agent (must be listed in Paragraph C of the above-described affidavit)

And that to the best of my knowledge and belief, the following information is true:

(check one) ☒ I have reviewed the above-described affidavit, and the information contained therein is true and complete as of _____, or;
(today's date)

☐ I have reviewed the above-described affidavit, and I am submitting a new affidavit which includes changes, deletions or supplemental information to those paragraphs of the above-described affidavit indicated below:

(Check if applicable)

- ☐ Paragraph C-1
- ☐ Paragraph C-2
- ☐ Paragraph C-3
- ☐ Paragraph C-4(a)
- ☐ Paragraph C-4(b)
- ☐ Paragraph C-4(c)

WITNESS the following signature:

Dennis E Webb
check one: ☒ Applicant or ☐ Applicant's Authorized Agent

Dennis E Webb
(Type or print first name, middle initial and last name and title of signee)

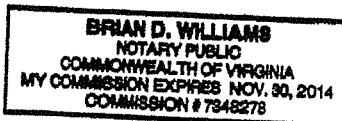
Subscribed and sworn before me this 1st day of NOVEMBER, 20 10, in the State/Commonwealth of VIRGINIA, in the County/City of LOUDOUN

My Commission Expires: NOV 30, 2014

Notary Registration Number: 7348278

Brian D. Williams
Notary Public

Revised October 2008



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Webb Buffer Easement
Concept Plan and Project Summary
21457 Glebe View Drive
Broadlands, Virginia 20148

Executive Summary

Homeowners Dennis E. and Jamie A. Webb desire a Zoning Modification to allow the installation of an in-ground pool, deck, retaining wall and fence in the backyard of their existing Broadlands residence. This project requires a zoning modification to exempt the property from a 50 foot buffer easement to allow for the installation of the pool.

The Webbs have sought and obtained approval from the Broadlands Homeowners Association (HOA) for this project. (Please see application in Appendix H and related approval in Appendix I)

1. Particular Provisions or Requirements which prevent the Proposed Construction:

The subject property is zoned PDH-3. While the 1972 Ordinance requires 150-foot easement, the Broadlands development modified the buffer to 50 feet. This easement was dedicated with the record plat. The 50 foot easement is substantially the entire back yard, and if applied, would prevent any construction in the back yard of the residence. (Please see Appendix D-1 for a detail drawing of the plat)

In addition, this project will require the approval of the Loudoun County Board of Supervisors due to written requirements in the Deeds of the property. Specifically, Item D of the Deed of Subdivision, Conveyance, Dedication, Easements, Release and Subordination dated October 29, 1998 between Broadlands Associates, Grantor (etc), and the Loudoun County Board of Supervisors states:

"The property within these easements shall not be denuded, defaced, or disturbed in any manner without the prior written approval of the County and the Association except where required utility and storm water management installations." (A copy of the relevant excerpt is attached in Appendix J)

The Zoning Division has informed us that since the modifications only prohibit construction of a "building" ("under roof"), a pool and retaining wall would be allowed under the modification language. Therefore, we ask that the Board of Supervisors grant the approval(s) necessary in order for us to build the pool.

2. The Existing Zoning of the Property:

The subject property is zoned PDH-3. A 50 Foot buffer easement was dedicated with the record plat.

3. The Special Conditions that Prevent the Use of Land in Compliance with the Requirements of the Ordinance:

The Webbs seek to improve their property, and the enjoyment of their property, thru the completion of this project.

4. The Particular Hardship if Provisions of the Ordinance were applied.

The 50 foot easement is substantially the entire back yard; thus, without the necessary modifications, the Webbs will be wholly prevented from installing the in-ground pool, deck and fence. As a result, the Webbs will be denied the opportunity to best utilize their property for their enjoyment.

5. The Extent to Which It Necessary to Vary the Requirements of this Ordinance

An exemption from the buffer easement is requested. As shown in the attached drawings, the swimming pool and deck shall be located directly behind the house and shall comply with all Loudoun County Zoning boundary requirements, exclusive of the buffer easement. The pool and deck shall be approximately seven feet and seventeen feet from the property lines to either side. The deck shall be six feet from the rear property line. Please note that there is a large dry pond behind the subject property and thus is far removed from the house to the rear. (Please see Appendix H for detailed drawings)

6. Compatibility with Surrounding Environment

The Broadlands Homeowners Association has reviewed and approved the pool, landscaping and fence applications. (Attached as Appendix I). In addition, the project has been discussed with all adjacent landowners and all have voiced their support of this project.

The project will be compatible with, and an enhancement to, the existing environment. The new deck and walls around the pool will match the existing patio. All trees removed in the installation of the pool will be replaced. The property benefits from a number of trees within its borders as well as numerous trees on the all adjacent properties which act as both visual and sound buffers to neighboring residences.

Specifically, the landscape requirements stipulate that one tree shall be required for approximately every 10 feet. Given the width of the backyard of 84 feet, this translates into a requirement for a total of eight trees. As shown in the landscaping plan included as part of my application, we will have a minimum of 17 trees post-construction. Thus, we intend to have twice as many trees as required.

In addition, the permanent storm water management dry-pond on Lot 33 (located behind my property) runs the entire length of rear property line of my property and prevents any future construction in this area. The residence behind my property is located a minimum of 180 feet from my property line. Thus, there is ample distance from this neighbor to the location of the proposed pool. Finally, there are nine Leland Cypress trees on Lot 33 located between my lot and the storm water management dry-pond immediately behind my property which provide an additional buffer.

A new 48-inch high, wood fence will be installed around the backyard which meets all requirements for Loudoun County and the Broadlands HOA.

The lighting plan shall include lights within the pool and walkway/ground lighting (downward directed) around the steps and retaining wall. Thus, all lighting shall be non-intrusive.

7. List of Names and Address of Adjacent Property Owners

- Mitchell and Tri Bostelman, 21461 Glebe View Drive, Broadlands, Va 20148
- Mark and Zoe Ziegler, 21453 Glebe View Drive, Broadlands, Va 20148
- Rick and Vicki Ratliff, 42651 Fairweather Court, Broadlands, Va 20148
- Chris and Debi Arabia, 42650 Fairweather Court, Broadlands, Va 20148
- Edward Nigro, 21510 Wild Timber Court, Broadlands, Va 20148

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BROADLANDS
Modifications Subcommittee Application Form

Owner/Applicant Dennis + Jamie Webb
Contact Person Dennis Webb
Mailing Address 21457 Glebe View Drive, Broadlands, VA 20148
home 703-723-7398
Phone # cell 703-201-9861 FAX # 703-723-7398
☒ Check here if you wish to be notified of the Subcommittee's decision by email
Email Address mrdennis.webb@gmail.com
Project Name Webb Pool and Fence
Project Address 21457 Glebe View Dr., Broadlands

PLEASE CHECK APPROPRIATE ITEM:

☒ Initial Submission ☐ Resubmission

REQUEST FOR APPROVAL OF:

- ☐ Major Addition
☐ Exterior Material, Finish & Color
☐ Deck
☐ Patio
☒ Fence
☐ Play Equipment
☐ Landscape Plan
☒ Other (specify) Pool and Pool deck

*See "Project Submission Requirements" in the Design Guidelines Manual
for information to be included with this form.*

I hereby certify that the above-named person has the authority vested by the owner to commit to design changes and otherwise represent the property owner to the Modifications Subcommittee. In addition, the information provided in this application is accurate to the best of my knowledge. Permission is granted to members of the Modifications Subcommittee to enter the subject property as necessary in performance of their duties.

Jamie Webb
Owner's Signature

7/2/10
Date

Please return completed application to: Secretary to the Modifications Subcommittee
Broadlands Association
21907 Claiborne Parkway
Broadlands, VA 20148

*Submission deadline is 12:00 Noon on the Friday before the Subcommittee meeting.
The Subcommittee meets on the 1st and 3rd Wednesday, from March through October;
3rd Wednesday only in November, December, January and February.*

H-1

ATTACHMENT 5

A-22

Webb Pool and Fence

A. Pool Submission

- A1. Pool Diagram and Materials
- A2. Proposed Location of Pool, Pool Deck and Equipment on Plat
- A3. Pool Equipment, Material and Manufacturer Literature
- A4. Existing Landscaping
- A5. Landscaping Plan
- A6. Photos of Property

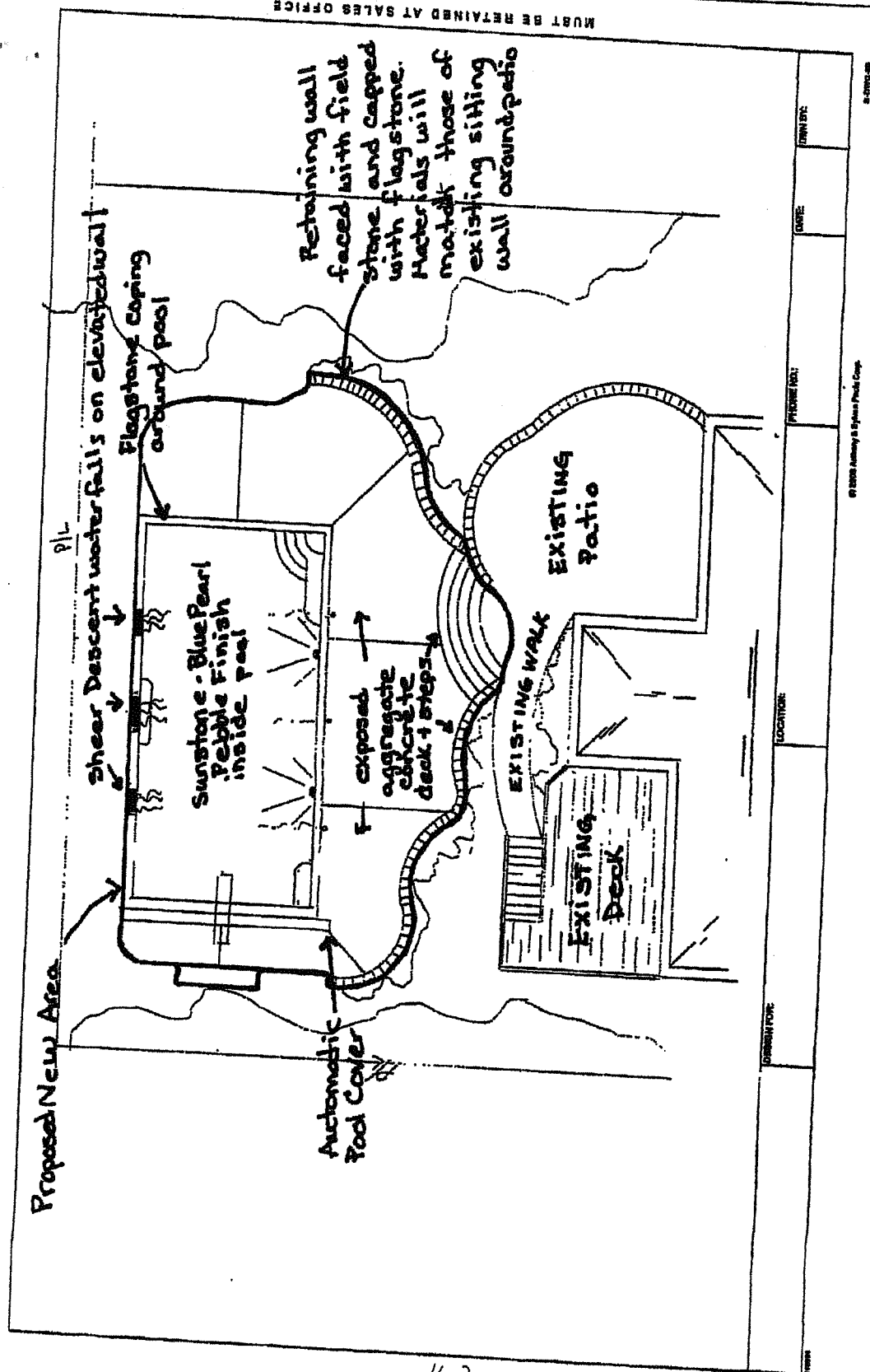
B. Fence Submission

- B1. Proposed Fence Location
- B2. Proposed Fence Type
- B3. Photo of Similar Fence already installed in Broadlands

H-1A

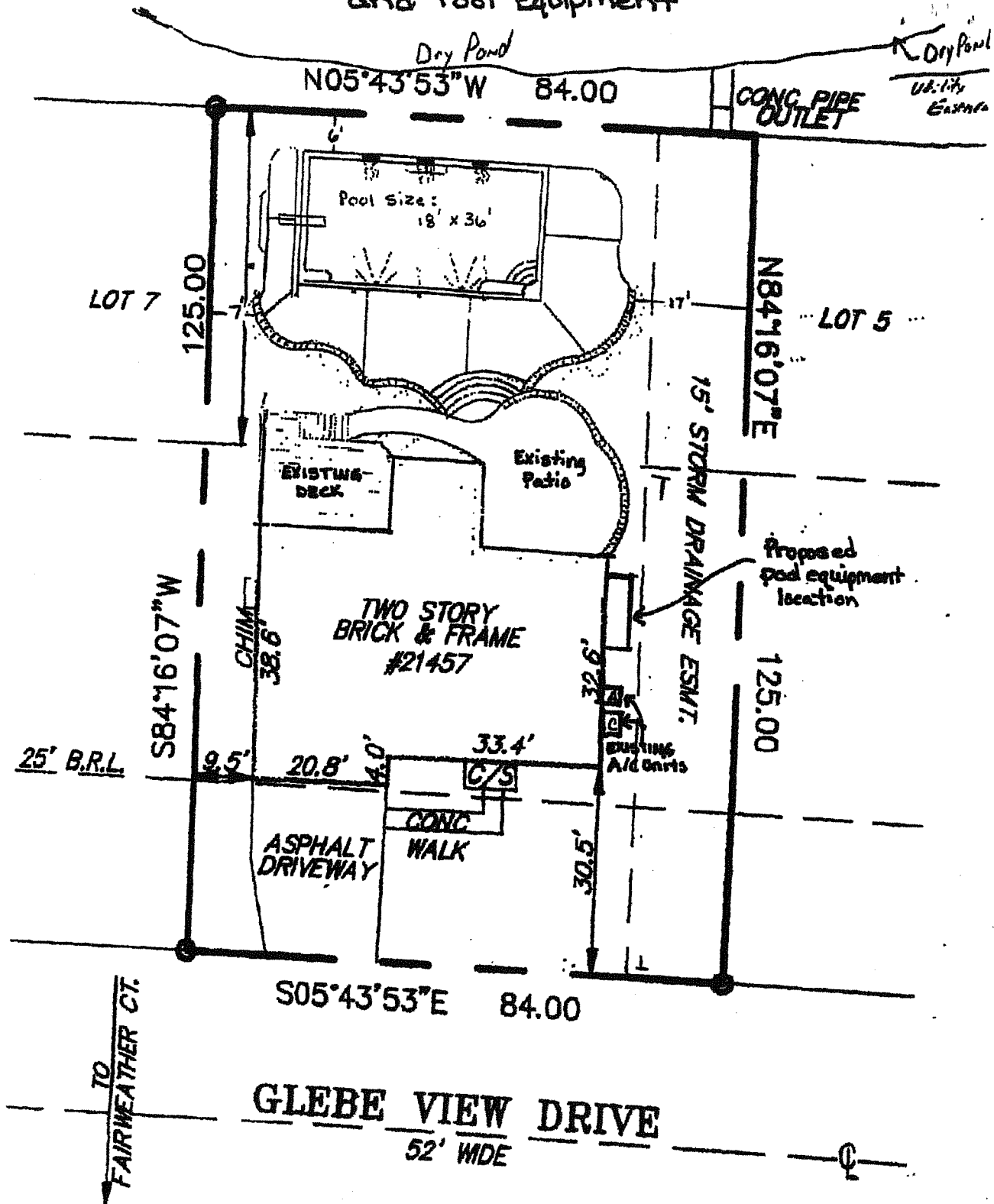


Al. Pool Diagram and Materials



11-2

A2. Proposed Location of Pool, Pool Deck and Pool Equipment



H-3

A3 - Pool Equipment, Material and Manufacturer Literature

Pump - Jandy 2 HP, model PHPF2.0

Heater - Aquacal Heat Pump model 120-A

Purifier - In-line chlorine and mineral system

Cleaning system - Polaris 380 w/booster pump

Pool cover - Automatic Coverpools flat Bezel type

Water Feature - Janzen Sheer Descent Waterfall

Lights installed in pool - Colorlogic Pool

Inside pool finish - CLIndustries - Sunstone Blue Pearl

Coping - 12" Flagstone

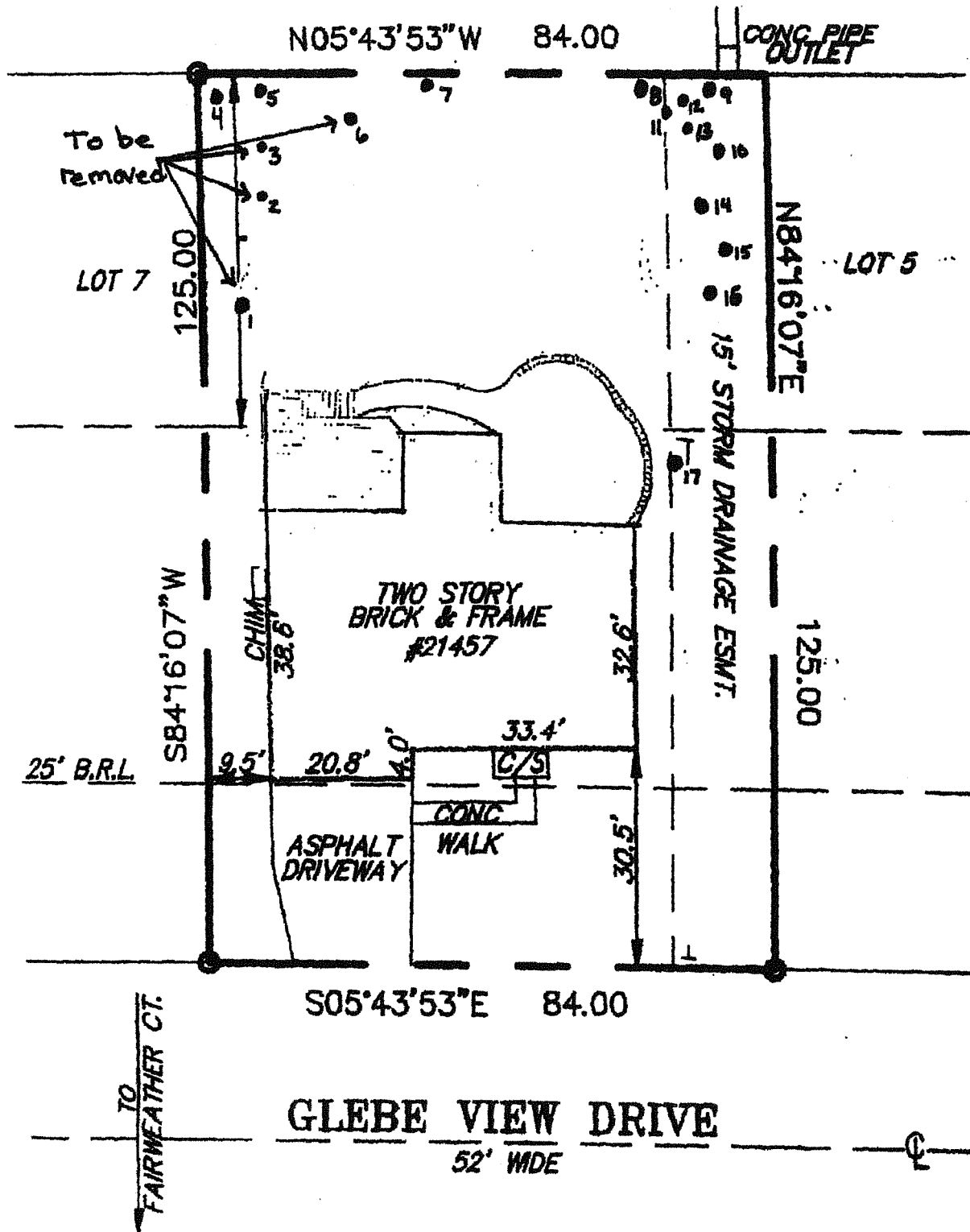
Pool Deck/Step Material - exposed aggregate concrete

Retaining wall - faced with field stone and capped with flagstone to match sitting wall of existing patio

H-4



A4. Existing Landscaping



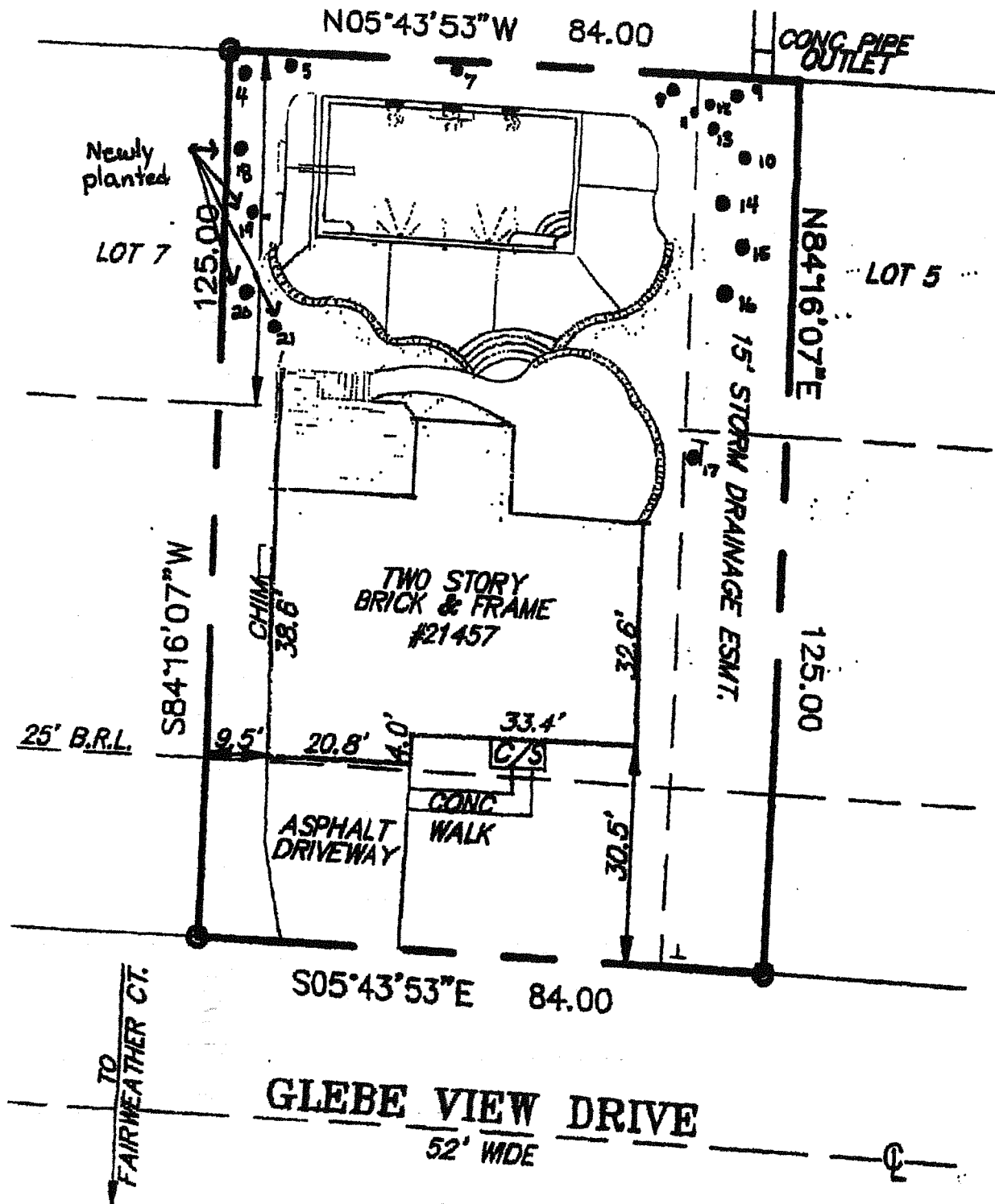
Existing Trees in the Backyard of 21457 Glebe View Drive

**Trees 1, 2, 3 and 5 need to be removed to accommodate pool/construction. Four new trees will be planted at the conclusion of the project.*

- *1 - Yoshino Cherry tree (circumference 21.5")
- *2 - Magnolia Virginiana (swamp magnolia, multiple small diameter trunks)
- *3 - Magnolia Virginiana (swamp magnolia, multiple small diameter trunks)
- 4 - White Pine
- *5 - Yoshino Cherry tree
- 6 - Tree (not sure what type) (circumference 20.5")
- 7 - Maple
- 8 - White Pine
- 9 - White Pine
- 10 - White Pine
- 11 - Tree (not sure what type)
- 12 - Tree (not sure what type)
- 13 - Magnolia Virginiana (swamp magnolia)
- 14 - Yoshino Cherry tree
- 15 - Maple
- 16 - Tree (not sure what type)
- 17 - Kwanzan Cherry

H-6

A5 Landscape Plan



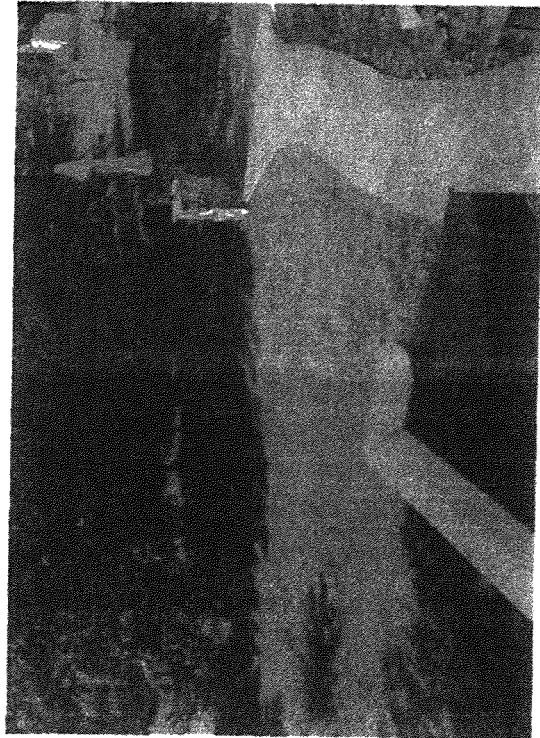
H-7

Replacement Trees in the Backyard of 21457 Glebe View Drive

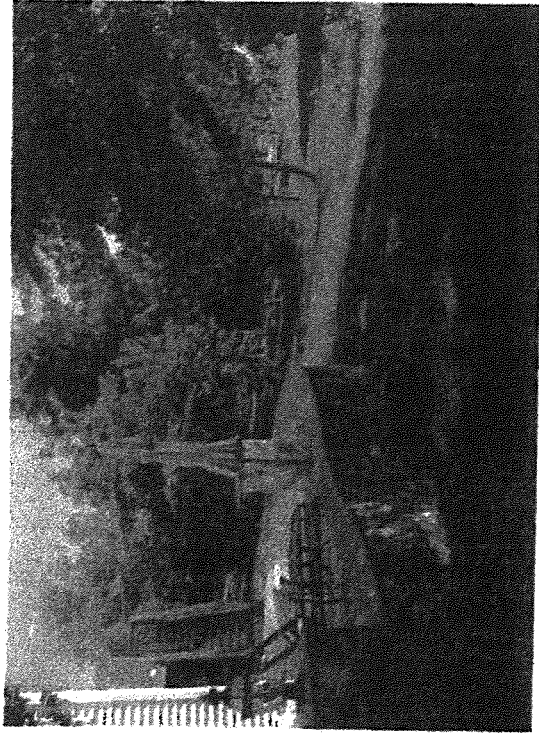
Replacement trees for the four trees that needed to be removed during pool construction.

18 - 21 Evergreen trees (possibly Leyland cypress, we are consulting with a landscape professional for advice on tree selection as well as appropriate soft plantings for shrub and flower beds)

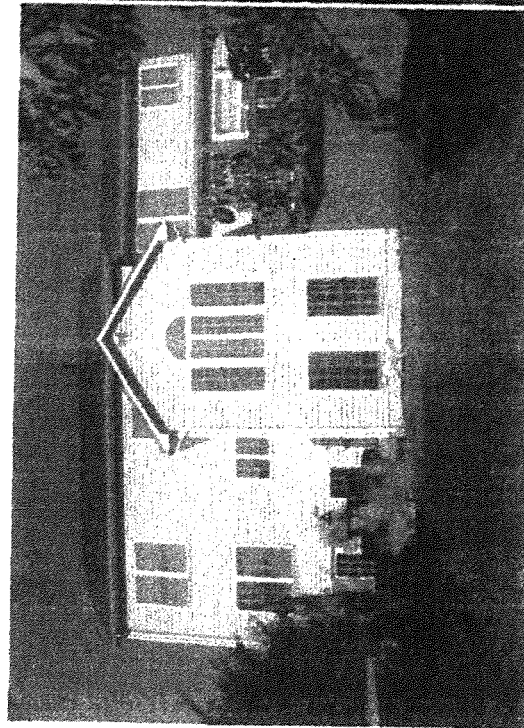
Photos of Property at 21457 Glebe Drive



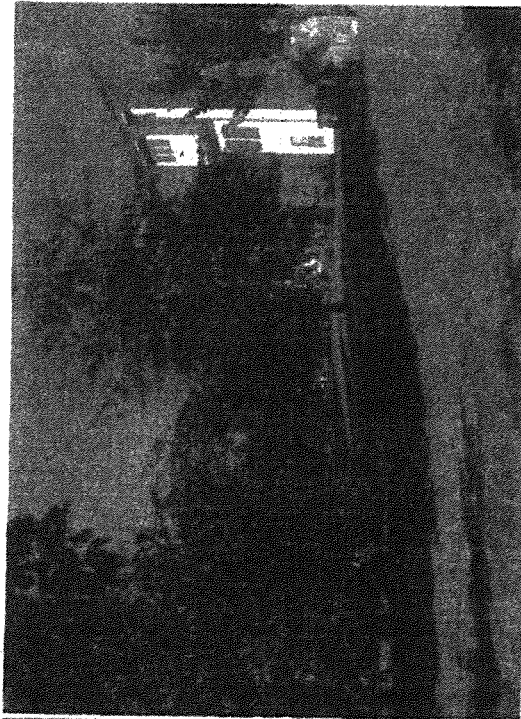
View from deck



View from right side yard



View from rear of yard



View from left side yard

Photos of Property at 21457 Glebe Drive



View along left side of the house



View along right side of the house



View from patio towards backyard and dry pond beyond tree line

B. Fence Submission

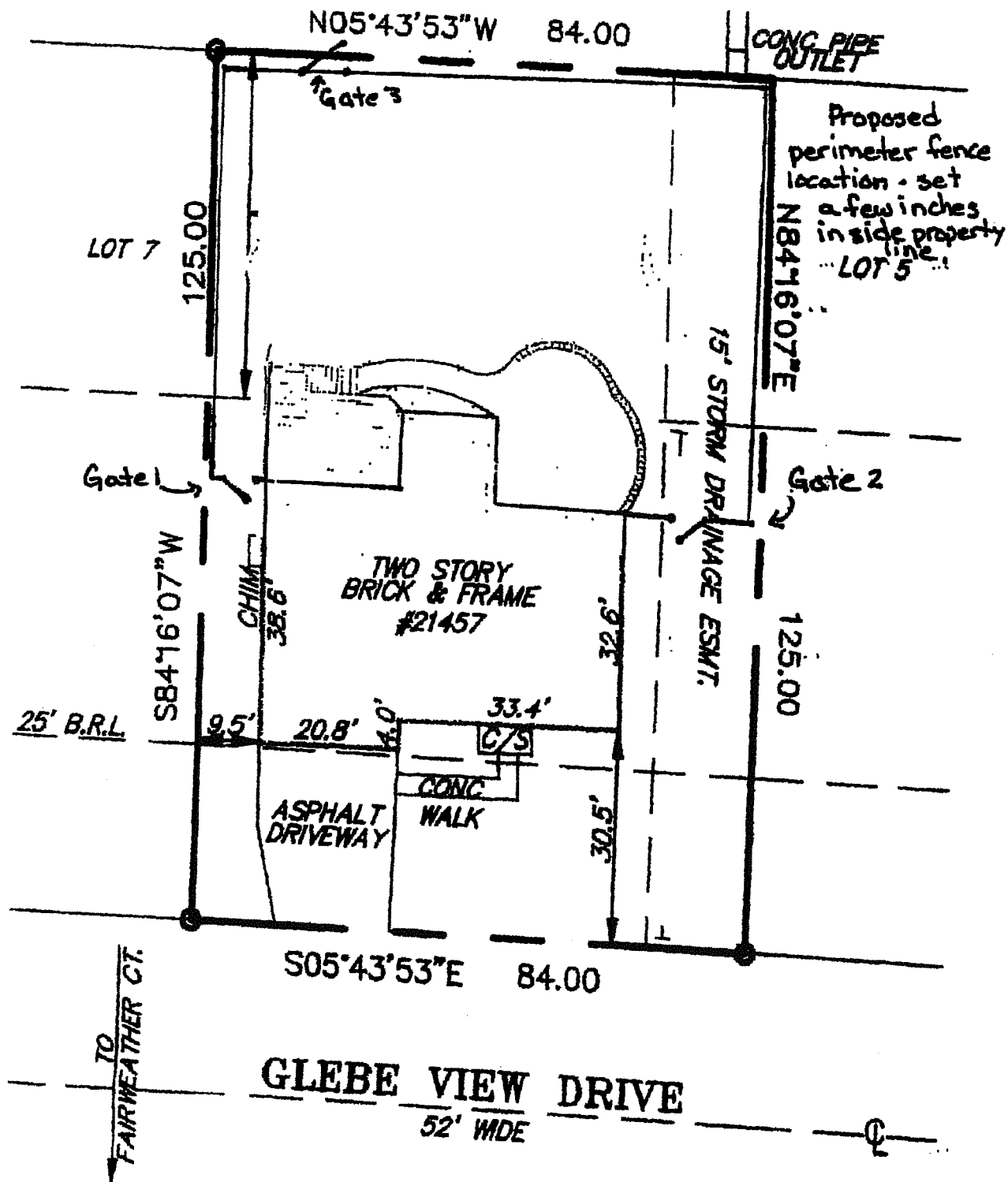
B1. Proposed Fence Location

B2. Proposed Fence Type

B3. Photo of Similar Fence already installed in Broadlands

H-11

B1. Proposed Fence Location



H-12

B2.

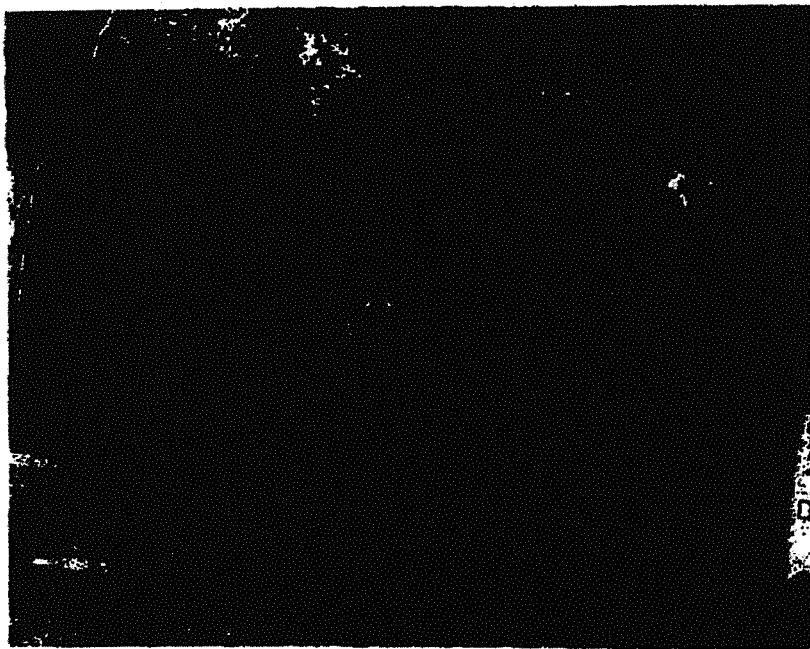
Proposed Fence Type

- | | | |
|------|---------------------|--|
| I. | General Description | 240 Ft Wood Fence along backyard perimeter, connecting to edge back corners of house. Perimeter fence within 5 inches of side and back property lines |
| II. | Material | Wood, Pressure Treated |
| III. | Slope | With Grade |
| IV. | Posts | Centered: 8 Ft or 8 Ft
Size - Minimum 4x4, except gates
Flat tops, blacks
Height - 48 in
Each post cement poured |
| V. | Gates | Number 3
Width - 36 inch minimum
6 x 6 Posts
Open Outward, away from pool
Style - Colonial Gothic - Even (No arch or dip)
Caps, metal painted flat black.
Pedestrian gates self-closing and self-latching and will be lockable.
Release mechanism at least 3 inches below top of gate.
Gate and barrier have no opening > 0.5 in |
| VI. | Pickets | Height - 48 inches
Min Width - 3"
Spacing 1.75 inches
Style - Colonial Gothic - Even (No arch or dip)
Facing outside of yard
Maximum vertical clearance under fence 2" |
| VII. | Horizontal Rails | Two, on inside of yard
Top Rail must be 6-8 inches from top of picket |

H-13

A-35

B3. Photo of Similar Fence Already Installed in Broadlands



H-14

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BROADLANDS

Association, Inc.

July 10, 2010

Mr. Dennis Webb
21457 Glebe View Drive
Broadlands, VA 20148

Re: Modification Application

Dear Homeowner,

I am pleased to inform you that the Modifications Subcommittee has approved your application for a **Fence and In-Ground Pool** at your property. The approval is contingent upon compliance with the specifications set forth in the approved application. Please note, the Subcommittee has requested that landscaping be utilized to screen and soften the appearance of the pool equipment as well as to help with sound abatement.

Any changes or modifications to this approved request must be submitted in writing for the Association's review and consideration.

If your change or addition requires a county permit, it must be obtained prior to construction.

Please retain this letter for your files. Should you have any questions regarding this letter, please contact us. We are available to assist you Monday through Friday between the hours of 9 am and 5 pm at 703-729-9714 or via e-mail at mburns@broadlandshoa.com.

Sincerely,



Maureen Burns CMCA, AMS
Secretary to the Broadlands
Modifications Subcommittee

cc: Bob Clyburn, Ericka Hodell-Cotti, Thomas Horton, Cliff Keirce, Tania Marceau,
Charles Salas, Bob Tate, Tim Thomas and File Copy

21907 Claiborne Parkway • Broadlands, Virginia 20148 • 703-729-9704 • Fax: 703-729-9733

ATTACHMENT 6

A-37

BROADLANDS

Association, Inc.

October 22, 2010

Loudoun County Board of Supervisors
1 Harrison Street, S.E.,
Fifth Floor
P.O. Box 7000
Mailstop #01
Leesburg, VA 20177-7000

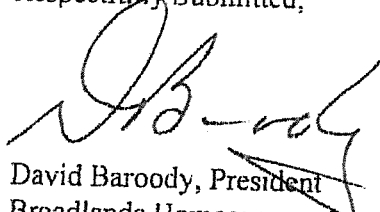
Loudoun County Planning Commission
c/o Loudoun County Department of
Planning
1 Harrison Street, S.E., 3rd Floor
Mailstop #62
P.O. Box 7000
Leesburg, Virginia 20177-7000

Supervisors and Commission Members,

The Broadlands Association Board of Directors has been made aware that residents Dennis and Jaime Web, 21457 Glebe View Drive, have requested a Zoning Modification to reduce a fifty foot buffer yard casement in order to install an in-ground pool, deck, retaining wall and fence in their backyard.

This letter is to inform the Loudoun County Planning Commission and the Board of Supervisors that the Broadlands Homeowners Association does not object to this Zoning request.

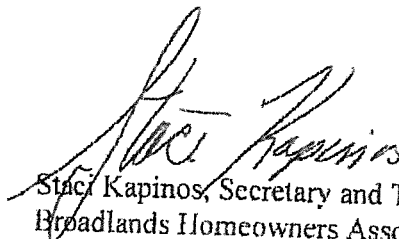
Respectfully Submitted,



David Baroody, President
Broadlands Homeowners Association



Brian Beahm, Vice President
Broadlands Homeowners Association



Staci Kapinos, Secretary and Treasurer
Broadlands Homeowners Association

BROADLANDS

Association, Inc.

October 29, 2010

Loudoun County Board of Supervisors
1 Harrison Street, S.E.,
Fifth Floor
P.O. Box 7000
Mailstop #01
Leesburg, VA 20177-7000

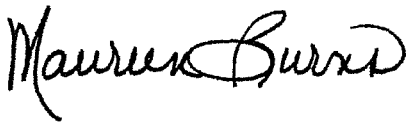
Loudoun County Planning Commission
c/o Loudoun County Department of
Planning
1 Harrison Street, S.E., 3rd Floor
Mailstop #62
P.O. Box 7000
Leesburg, Virginia 20177-7000

Supervisors and Commission Members,

The Broadlands Homeowners Association Management and the Board of Directors have been made aware that residents Dennis and Jaime Webb of 21457 Glebe View Drive, Broadlands, VA have requested a Zoning Modification to reduce a fifty foot buffer yard easement in order to install an in-ground pool, deck, retaining wall and fence in their backyard.

This letter is to inform the Loudoun County Planning Commission, the Board of Supervisors and any other interested County agency that the Broadlands Homeowners Association does not object to this Zoning request. The HOA understands that permission is being granted to encroach upon this buffer zone and asserts that the HOA will not plant or remove trees or improvements made by the homeowner and approved by the Broadlands Modifications Subcommittee from the parcel owned by Mr. and Mrs. Webb.

Respectfully Submitted,



Maureen Burns CMCA, AMS
General Manager
Broadlands Homeowners Association, Inc

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Slope of Dry Pond



Dry Pond looking Northeast



View West (existing off-site Evergreen Trees)



View North (Trees along shared boundary with Lot 5)



View of Northwest corner



View along Lot 7 boundary looking west



View of trees in southwest corner



Existing Patio and deck looking south



View across Dry Pond looking East from Lot 33 to Lot 6



Slope of Dry Pond looking East from Lot 33



Corner of Lot 33 house looking east

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BROADLANDS / BROADLANDS SOUTH
ZCPA 1994 - 0005
ZMAP 1995 - 0003

STATEMENT OF MODIFICATIONS
PURSUANT TO
LOUDOUN COUNTY ZONING ORDINANCE (1972) SECTION 700.2
Revised May 24, 1995

I. PRIVATE STREETS

Zoning Ordinance Sections 511, 702.3.3.1, 702.3.4.1; LSDO Sections 1245.01(3), 1245.05; FSM Section 4.310 (2) - The Zoning and Subdivision Ordinance require all building lots to have frontage on a public street designed in accordance with VDOT standards, unless private streets are specifically authorized.

Requested Modification

Modification of the lot access requirements and development and design standards are requested to allow:

- Townhouse and garden apartment units to be developed with and front on private streets.
- Intermediate sized zero lot line/patio home single family detached units (SFP) (defined as having no more than an average of 2,200 square feet of living space) located within any area designated for zero lot line/patio homes to be developed with and front on private streets.

All private streets will be designed and constructed in accordance with detailed plans to be approved by County staff prior to submission of a preliminary subdivision application for any lots or section to contain private streets. All private streets shall conform to the applicable private street standards of the Facilities Standards Manual (FSM).

Justification

The modification to allow private streets for apartments, townhouses and "intermediate sized" zero lot/patio home single family detached houses was approved as a part of the original rezoning action. Private residential streets enable the clustering of dwelling units which make possible a greater variety of residential styles, settings, and sizes. This variety helps to reduce costs and provides more affordable housing for a larger number of people. Private streets assist in the preservation of the natural environment and reduce the amount of land necessary to be disturbed for development. The standards under which private streets are developed meet the public purpose of providing safe and convenient access to properties to an equivalent degree.

Requested Modification

It is requested that the required lot widths for one family detached be modified to allow building lots located in the area designated for Single Family Zero Lot Line/Patio Home (SFP) on the Land Use Concept Plan to have a minimum width of 50'.

It is further requested that pipestem lots be permitted in the areas designated on the Land Use Concept Plan for Single Family Conventional (SFD) and Single Family Zero Lot Line/ Patio (SFP) Homes, in such areas where topography, tree cover, flood plain and other natural existing conditions warrant, provided that pipestem lots may not represent more than 12% of the total number of dwelling units within the areas designated for single family conventional or zero lot line/patio homes. For purposes of this section, the term "pipestem lots" shall mean those lots which have less frontage than the required lot width as modified herein. The term "pipestem driveway" is defined as a paved area over a portion of one or more pipestem lots permitting access to one or more pipestem lots and adjacent non-pipestem lots constructed in accordance with the standards set forth in the Facilities Standards Manual (FSM 4.370).

Pipestem driveways shall serve one to five interior lots and shall conform to the Common Driveway Standards of the Facilities Standards Manual (FSM 4.370), and to the Standards for Typical Building Orientation attached hereto as Exhibit #2. Single pipestem lots shall meet the standards for two pipestem lots.

Justification

Further review of the areas delineated for single family detached development finds that additional lot design flexibility is needed to protect topography, tree cover, floodplain, wetlands, and other naturally occurring conditions. By approving this modification (which is consistent with the FSM and the 1993 Zoning Ordinance), the County will allow Broadlands Associates the flexibility to greater protect these sensitive environmental areas. Detailed study, especially of the wetlands, warrant the use of pipestem lots to more carefully locate houses with less disturbance. The change to no more than five lots per pipestem is consistent with the current Facilities Standards Manual. The use of the Facilities Standards Manual development standards for pipestems; will ensure safe and adequate access as well as provide appropriate dimensions for residential development consistent with other development in the County.

V. USES ADJACENT TO SINGLE-FAMILY OR AGRICULTURAL-RESIDENTIAL DISTRICTS

Zoning Ordinance Section 702.1-4

"Where a PD-H district adjoins a single-family residential or agricultural-residential district without an intervening permanent open space at least 150' in width serving as a separation for buildable areas, the portion of the perimeter of the PD-H district so adjoining (1501 shall be planned and developed only for uses permitted in the adjoining residential district or for

the residential district affording the next highest permitted density and in accordance with all other requirements for such district, provided however that in lieu of development, common open space for the PD-H district to a depth of 150' from the district boundary may be permitted. No intensive recreational use shall be permitted within 75' of the district boundary in such circumstances."

Requested Modification

It is requested that these requirements be modified to allow a 50' building setback for those areas where such open space would be required. There are two areas to which this request would not apply: (1) a portion of the boundary of the properties where Broadlands and Broadlands South abut, and thus no intervening open space requirement is applicable; and (2) the north and eastern portions of the property which abut the Dulles Toll Road Extension.

A 50' buffer consisting of existing vegetation, landscaping, or a combination of the two, shall be implemented along the remaining boundaries of Broadlands and Broadlands South, meeting the Standards set forth in the May 24, 1990, John Pickard Associates memo (originally prepared for Broadlands South) attached hereto as Exhibit #3. Furthermore, the areas of Broadlands and Broadlands South where this modification is requested are reflected on the revised Concept Plan.

Justification

An attractive vegetative screen will provide a more effective visual buffer than merely providing the 150' setback dimension. This visual screen may consist of preserved existing vegetation, existing vegetation supplemented by landscape plantings, or in cases where there is no existing vegetation, new landscape plantings. The vegetative screen in addition to the 50' setback will more than adequately buffer the adjoining properties.

VI. MINIMUM YARDS FOR OFFICE USES ADJACENT TO SINGLE-FAMILY OR AGRICULTURAL-RESIDENTIAL DISTRICTS

Zoning Ordinance Section 722.6. Minimum Yard Requirements of the PD-IP District (Section 702.1.1.2. under the Guides and Standards for Planned Development - Housing references Section 722.6 as the minimum yard requirement to be used for Industrial and Office uses.)

"No portion of any building shall be erected closer than 75' to any residential district boundary and no off-saw parking or loading space shall be closer than 60' to any residential boundary. "

Requested Modification

It is requested that these requirements be modified to allow a 50' building setback for those perimeter areas of the site where such setback would be required, as shown on the Concept

EXHIBIT #3

Standards for 50' Buffer Adjacent to
Single Family or Agricultural-Residential Districts
(From May 24, 1990 memo from John Pickard & Associates
and previously approved for Broadlands South)

The boundaries of Broadlands and Broadlands South have the following conditions:

- (1) Woodlands, usually extending 50' or more into the site
- (2) Fencerows or shallow wooded boundaries
- (3) Treeless boundaries

A good visual screen is more effective in buffering adjacent properties than merely providing for a buffer dimension without regard to any vegetation in the buffer zone. As the photographic survey of Broadlands South shows, condition (1) presents an effective visual screen, and 50' is a more than adequate buffer width, even in areas where natural woodlands consists primarily of deciduous trees.

In most instances, condition (2) is also very effective, since the fencerows typically consist of both taller evergreens (cedars) and lower understory growth. There are, however, locations where gaps occur in the fencerow. Or where the size of the natural vegetation renders it ineffective as a screen. We are concerned here with landscaping to supplement these conditions, as well as to provide effective screening along presently treeless boundaries.

Proposed Supplemental Boundary Planting Plan

We propose a 50' buffer area around all appropriate boundaries of Broadlands and Broadlands South, as a modification of the required 150' width. Supplemental landscaping will be provided in certain areas of the buffer as defined below. No supplemental planting is required for those areas where woodlands extend to the site boundary, and a minimum of 50' of existing woodlands will be retained as a buffer.

Existing fencerows will be preserved, except where required for roads, footpaths, utility easements, or road widening. Where gaps in existing Fencerows occur, supplemental plant material will be provided in accordance with the "Landscape Requirements" and "Plant Schedule" listed below. A "gap" is defined here as a generally open area on the fencerow, having a minimum distance of 15' as measured between existing plant materials with a caliper of 1- 1/2" or more at a point 6" above grade. Plant material located 50' inside the property line will be regarded as part of the fencerow.

Supplemental plant materials will be provided in accordance with the following "Landscape Requirements" (Table 1). All supplemental plant material are to be native species as listed below in the, "Plant Schedule" (Table 2). Plant material substitutions, equal in size and type, will be acceptable based on material availability, site conditions or unforeseen circumstances. Plant material will be planted across the breadth of the gap reflecting the style and character of the planting plan shown in Figure 1.

TABLE 1 - LANDSCAPE REQUIREMENTS

Gaps in excess of 15' and less than 50' will require:

- 1 Eastern redcedar tree per 10' of gap distance.

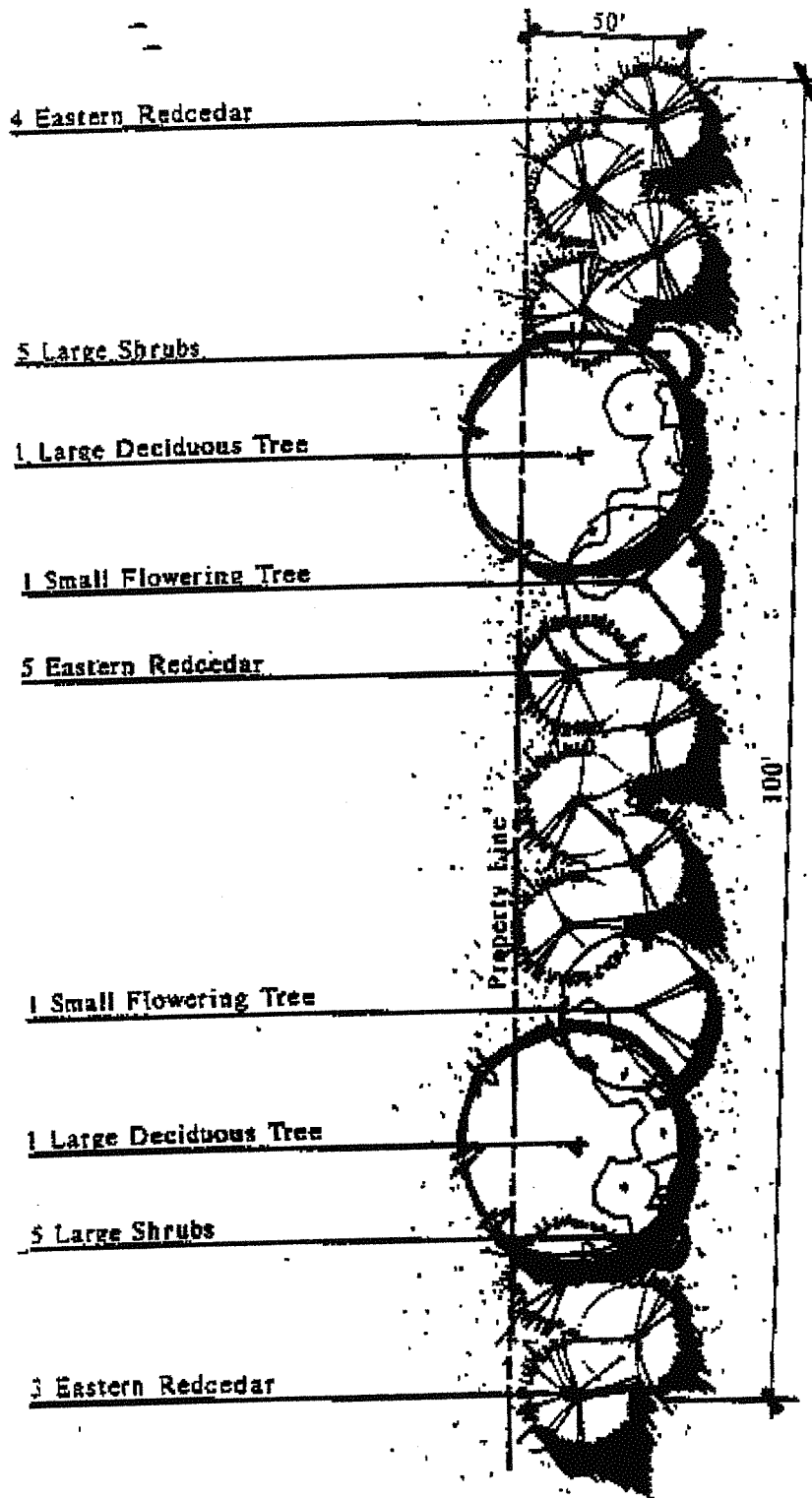
Gaps equal or greater than 50' and less than 100' will require:

- 1 Eastern redcedar tree per 10' of gap distance,
- 1 large deciduous tree,
- 1 small flowering tree,
- and 5 large shrubs.

Gaps equal to or greater than 100' will be landscaped in accordance to Figure 1, which will be repeated in sequence across the breadth of the gap.

TABLE 2 - PLANT SCHEDULE

Common Name	Botanical Name	Size
<u>Native Eastern Trees:</u>		
Eastern Redcedar	Juniperus virginiana	6'-0" ht.
(Note: Redcedars to be transplanted as native stock growing on or near the property)		
<u>Large Deciduous Trees:</u>		
Red Maple	Acer rubrum	2-1/2" cal.
Green Ash	Fraxinus pennsylvanica	2-1/2" cal.
Willow Oak	Quercus phellos	2-1/2" cal.
<u>Small Flowering Trees:</u>		
Allegheny Serviceberry	Amelanchier laevis	6'-0" ht.
Eastern Redbud	Cercis canadensis	6'-0" ht.
Flowering Dogwood	Cornus florida	6'-0" ht.
<u>Large Shrubs:</u>		
Black Chokeberry	Aronia melanocarpa	3'-0" ht/spr.
Redosier Dogwood	Cornus sericea	3'-0" ht/spr.
Common Witchhazel	Hamamelis virginiana	3'-0" ht/spr.
Mountain Laurel	Kalmia latifolia	3'-0" ht/spr.
Arrowwood Viburnum	Viburnum dentatum	3'-0" ht/spr.



Broadlands / Broadlands South

A-15'
Exhibit 1
Figure 1

LAND USE ESTIMATION FOR RESIDENTIAL LAND USES

BRIDGEHOUSE

LAND USE 1

Single Family Detached (Commercial) (R1)	16.1	16.1	0
Single Family Detached (R2)	18.8	18.8	0
Single Family Detached (R3)	800	773	27
Multi-Family (M1)	800	773	27
High Park (1)			
Chautauque Normalized Area (1)			
Cluster (Jelly) Area (1)			

LAND USE 2

Single Family Detached (Commercial) (R1)	15.0	15.0	0
Single Family Detached (R2)	1.38	1.18	0
Single Family Detached (R3)	8	7.75	0.25
Multi-Family (M1)	8	7.75	0.25
High Park (2)			
Chautauque Normalized Area (2)			
Cluster (Jelly) Area (2)			

LAND USE 3

Single Family Detached (Commercial) (R1)	15.0	15.0	0
Single Family Detached (R2)	1.38	1.18	0
Single Family Detached (R3)	8	7.75	0.25
Multi-Family (M1)	8	7.75	0.25
High Park (3)			
Chautauque Normalized Area (3)			
Cluster (Jelly) Area (3)			

LAND USE 4

Single Family Detached (Commercial) (R1)	15.0	15.0	0
Single Family Detached (R2)	1.38	1.18	0
Single Family Detached (R3)	8	7.75	0.25
Multi-Family (M1)	8	7.75	0.25
High Park (4)			
Chautauque Normalized Area (4)			
Cluster (Jelly) Area (4)			

LAND USE 5

Single Family Detached (Commercial) (R1)	15.0	15.0	0
Single Family Detached (R2)	1.38	1.18	0
Single Family Detached (R3)	8	7.75	0.25
Multi-Family (M1)	8	7.75	0.25
High Park (5)			
Chautauque Normalized Area (5)			
Cluster (Jelly) Area (5)			

LAND USE 6

Single Family Detached (Commercial) (R1)	15.0	15.0	0
Single Family Detached (R2)	1.38	1.18	0
Single Family Detached (R3)	8	7.75	0.25
Multi-Family (M1)	8	7.75	0.25
High Park (6)			
Chautauque Normalized Area (6)			
Cluster (Jelly) Area (6)			

LAND USE 7

Single Family Detached (Commercial) (R1)	15.0	15.0	0
Single Family Detached (R2)	1.38	1.18	0
Single Family Detached (R3)	8	7.75	0.25
Multi-Family (M1)	8	7.75	0.25
High Park (7)			
Chautauque Normalized Area (7)			
Cluster (Jelly) Area (7)			

LAND USE 8

Single Family Detached (Commercial) (R1)	15.0	15.0	0
Single Family Detached (R2)	1.38	1.18	0
Single Family Detached (R3)	8	7.75	0.25
Multi-Family (M1)	8	7.75	0.25
High Park (8)			
Chautauque Normalized Area (8)			
Cluster (Jelly) Area (8)			

LAND USE 9

Single Family Detached (Commercial) (R1)	15.0	15.0	0
Single Family Detached (R2)	1.38	1.18	0
Single Family Detached (R3)	8	7.75	0.25
Multi-Family (M1)	8	7.75	0.25
High Park (9)			
Chautauque Normalized Area (9)			
Cluster (Jelly) Area (9)			

LAND USE 10

Single Family Detached (Commercial) (R1)	15.0	15.0	0
Single Family Detached (R2)	1.38	1.18	0
Single Family Detached (R3)	8	7.75	0.25
Multi-Family (M1)	8	7.75	0.25
High Park (10)			
Chautauque Normalized Area (10)			
Cluster (Jelly) Area (10)			

LAND USE 11

Single Family Detached (Commercial) (R1)	15.0	15.0	0
Single Family Detached (R2)	1.38	1.18	0
Single Family Detached (R3)	8	7.75	0.25
Multi-Family (M1)	8	7.75	0.25
High Park (11)			
Chautauque Normalized Area (11)			
Cluster (Jelly) Area (11)			

LAND USE 12

Single Family Detached (Commercial) (R1)	15.0	15.0	0
Single Family Detached (R2)	1.38	1.18	0
Single Family Detached (R3)	8	7.75	0.25
Multi-Family (M1)	8	7.75	0.25
High Park (12)			
Chautauque Normalized Area (12)			
Cluster (Jelly) Area (12)			

LAND USE 13

Single Family Detached (Commercial) (R1)	15.0	15.0	0
Single Family Detached (R2)	1.38	1.18	0
Single Family Detached (R3)	8	7.75	0.25
Multi-Family (M1)	8	7.75	0.25
High Park (13)			
Chautauque Normalized Area (13)			
Cluster (Jelly) Area (13)			

LAND USE 14

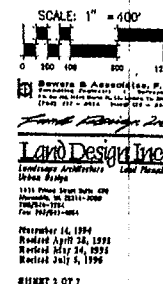
Single Family Detached (Commercial) (R1)	15.0	15.0	0
Single Family Detached (R2)	1.38	1.18	0
Single Family Detached (R3)	8	7.75	0.25
Multi-Family (M1)	8	7.75	0.25
High Park (14)			
Chautauque Normalized Area (14)			
Cluster (Jelly) Area (14)			

LAND USE 15

Single Family Detached (Commercial) (R1)	15.0	15.0	0
Single Family Detached (R2)	1.38	1.18	0
Single Family Detached (R3)	8	7.75	0.25
Multi-Family (M1)	8	7.75	0.25
High Park (15)			
Chautauque Normalized Area (15)			
Cluster (Jelly) Area (15)			

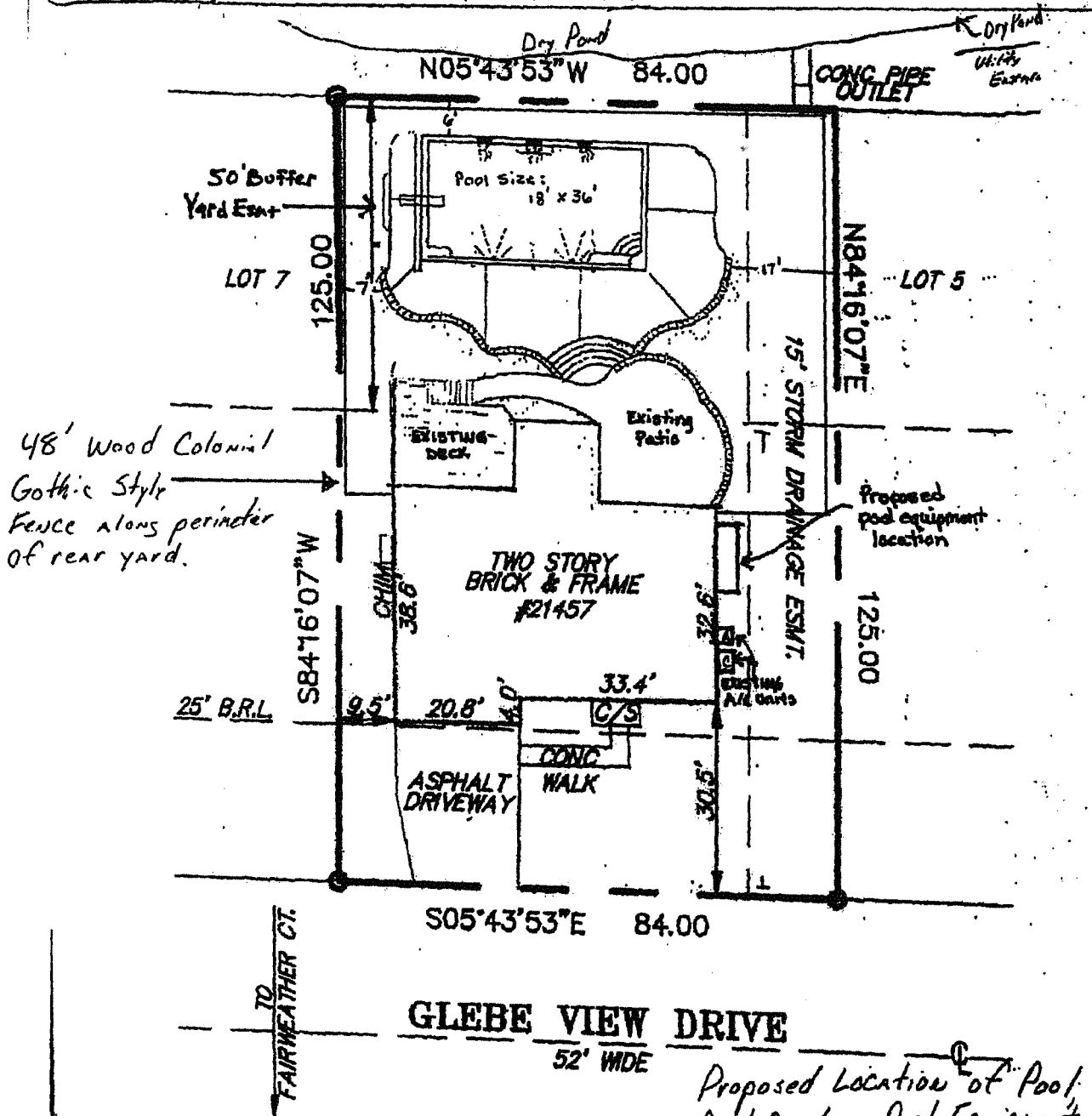
LAND USE 16

Single Family Detached (Commercial) (R1)	15.0	15.0	0
Single Family Detached (R2)	1.38	1.18	0

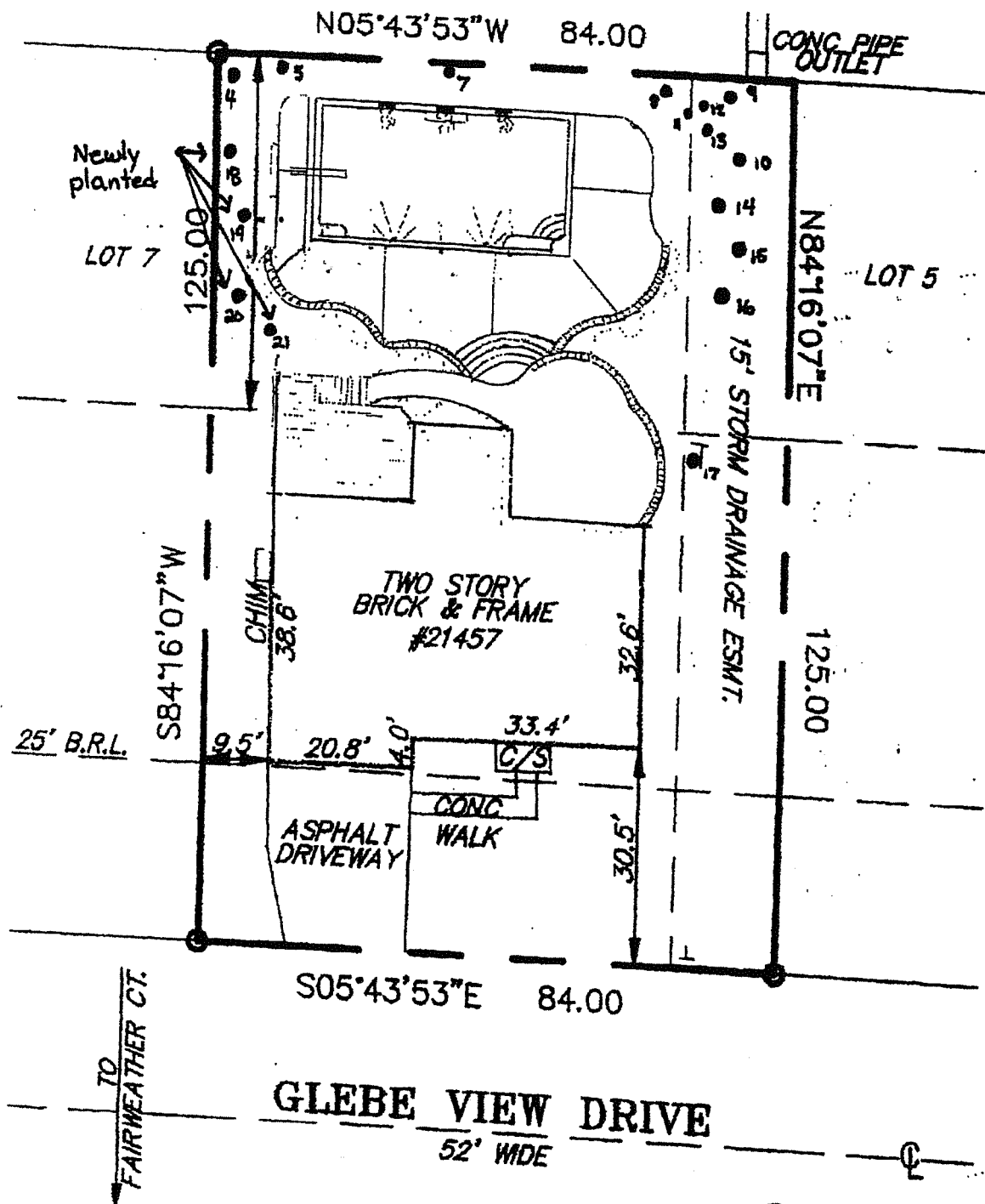


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POOL PLAT



A5 Landscape Plan



H-7

Dean Webb
11/8/10

